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An Industrial Relations Quarterly

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Centennial Issue

CELEBRATING 100 years of WORKING TOGETHER

Human Resources Development Canada
Développement des ressources humaines Canada

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An Industrial Relations Quarterly

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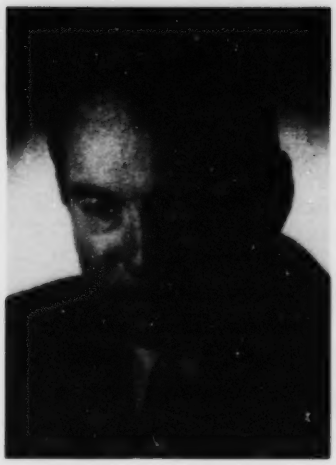
MESSAGE FROM THE ASSISTANT DEPUTY MINISTER



Warren Edmondson
Assistant Deputy Minister of Labour

Prior to formulating this introduction to the Centennial Issue of the *Workplace Gazette*, I had an opportunity to glance back over the messages which graced the 1975 Anniversary Issue of the Labour Gazette. In reading the words by the then Labour Minister John Munro and the late Thomas Eberlee, Deputy Minister of Labour at that time, it struck me that their comments would suffice even today. In his message, the Deputy Minister observed "*One hesitates to predict what the next few years may bring. No doubt they will be tumultuous as any we have seen in the past. No doubt our collective bargaining system – and indeed the Department of Labour – will be put severely to the test.*"

The years have been "tumultuous" and "the Department of Labour" now finds itself as a Program of Human Resources Development Canada. The people who make up the Program and who dedicate themselves to serving our clients continue to ensure that the policies, programs and legislative initiatives implemented by the Labour Program promote a work environment which contributes to the social and economic well-being of all Canadians. Legislation administered by the Program has been, and continues to be, streamlined to reflect the changing realities of the Canadian workplace. Continuous consultation and dialogue with employers, labour unions and other interested parties has resulted in initiatives which ensure that the broad range of constituent interests are represented therein.

With the rapid onset of technology and the increased globalization of trade and commerce, industry has been required to move quickly to keep pace or lose market share. The impact of these changes has been felt from the boardroom to the shop floor and Canadian workers have not been exempted from such repercussions. Downsizing, layoffs, concession bargaining and other implications have resulted from business initiatives designed to ensure survival in an increasingly competitive society. The Labour Program has been front and center in measures designed to provide adequate protection to workers, be it in the collective bargaining of wages and benefits, health and safety provisions or ensuring that minimum employment standards are met.

What does the future hold for Canadian workers and their employers in the coming century? One can only speculate that with the rapid rate of economic and social growth in Canada, the coming years will pose a logistical challenge to administrators of labour legislation. While there will undoubtedly be changes to working arrangements and the people and organizations administering them, there is unlikely to be major upheaval in the labour legislation under which they operate. When you look back to 1900 with the *Conciliation Act* establishing the Federal Department of Labour and providing for voluntary conciliation of a labour dispute, you realize that they probably got it right the first time!

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AT A GLANCE

Centennial Issue

The Workplace Gazette Team is proud to present this special centennial issue, celebrating 100 years of labour in Canada. Numerous people have contributed their expertise, time, suggestions, and memories to make this a very special issue. In addition, special thanks is given to Jane Hansen, Linda L'Heureux and Fred Longley who have been referred to by many people as "our resident historians".

Minister Bradshaw who shepherded the 100th year is the latest in a truly remarkable group of ministers who have had to deal with contentious and adversarial issues in the last century. This retrospective reminds us of how history has shaped the current industrial relations scene.

Deputy Ministers have played a crucial role in supporting ministers, in facilitating transitions over time from minister to minister and indeed in changes in political affiliations. As government officials remaining neutral and serving the government of the day, they have worked with the key stakeholders and have initiated and nurtured relationships necessary for effective and constructive labour relations.

Moreover, this issue gives special honours to Senator H. Carl Goldenberg, an icon in Canadian industrial relations, who probably settled more strikes through mediation or arbitration and conducted more public inquiries into problem areas of labour relations than any other Canadian.

Excerpts from selected issues of the *Labour Gazette* over the 100 years, and an article describing the evolution of data collection, analysis and dissemination, provide a flavour of the depth and breadth of labour relations information collected and disseminated in Canada.

A historical overview of national labour history was compiled by the Labour College of Canada, the labour movement's academic arm which has shaped the views of many union leaders. Key Labour Program areas provide historical overviews and updates from their areas involved in the delivery of services related to the *Canada Labour Code*: industrial relations, health and safety, and labour standards. Moreover, Canada's leadership role in national and international labour issues is also highlighted. Finally, external practitioners provide insight on the current labour relations scene and offer prospects and challenges for the future.

More specifically, an article traces the evolution of industrial relations legislation in Canada over the last 25 years, while another has a focus on the changing face of the federal jurisdiction economic sectors. Two other articles describe the evolution of occupational health and safety standards and regulations and workplace equity concerns past and present. Social policy and labour legislative responses are discussed and one article traces the history of minimum wage and hours of work over the last century. Canada's role in the International Labour Organization is reviewed and also its leadership in national and international labour-related issues. The history and development of the Canadian Association of Administrators of Labour Legislation is described. Also presented are articles on the departmental library and its contribution over the years to the most comprehensive labour collections and an overview of the Women's Bureau contributions to labour-related concerns.

Scholars who contributed in the 1975 issues of the *Labour Gazette* were asked to reflect on the last 25 years of labour relations and to focus on challenges and prospects for the future.

Section 1

Section 1 provides third quarter 2000 data on wage adjustments in major collective agreements, current and historical, by public and private sectors, by region, by jurisdiction and by major industry.

Section 2

Section 2 offers information on major collective agreement expiries and reopeners for January, February and March of 2001. Also included is information on work stoppages with a chronological perspective and a third quarter overview for 2000.

Section 3

Section 3 summarizes innovative workplace practices resulting from collective bargaining and recent changes in Canadian Labour Laws.

Suzanne Payette
Manager, Publications Section

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1900 100 YEARS 2000

LABOUR
WORKING FOR YOU

THE

LABOUR GAZETTE

THE JOURNAL OF THE DEPARTMENT OF LABOUR

Vol I No 1 SEPTEMBER, 1900 Price Three Cents

THE LABOUR GAZETTE.

THE *Labour Gazette* is an official publication by the Dominion Government, under the authority of the Conciliation Act, 1900. It is the Journal of the Department of Labour, and is published with a view to the dissemination of accurate statistical and other information relating to labour conditions and kindred subjects. It will be issued monthly, and the matter contained in its columns is intended to be of service to workmen and others desiring reliable data in regard to questions especially affecting labour, and such topics as have a bearing on the status and well-being of the industrial classes of Canada.

The *Gazette* will not be concerned with mere questions of opinion, nor will it be the medium for the expression of individual views. It is an official publication, and as such will seek to record only such statements of fact, and such collections of statistics, as are believed to be trustworthy. In the selection and publication of these, care will be taken to have the information as complete and impartial as possible, and so to arrange it that, while furnishing from month to month facts and figures of current interest, these may at intervals be classified and compiled in such a manner as to show, over periods of time, the trend and development of the subjects dealt with. The work thus undertaken will, it is hoped, establish a basis for the formation of sound opinions, and for the drawing of correct deductions, but these, in themselves, are tasks which lie beyond the scope and purpose of the *Gazette*, and are ends it will seek to serve, not to meet.

In estimating the position and functions of the *Gazette*, its readers must take into account the vast geographical area of the Dominion, the variety of its industries, and the extent of its trade. A sweep of industry, complex and manifold, stretching from ocean to ocean across four thousand miles of continent, is something which the world has known for the first time during the nineteenth century, and is paralleled only by one or two countries of the globe. But this is one of Canada's most striking and characteristic features, and in this fact is to be found the real significance and importance of the *Labour Gazette*, as well as the best indication of the aims of the undertaking. This Journal will seek to gather from all parts of the Dominion, facts, figures and information bearing on industrial conditions and the state of the labour market. It will seek to supply intelligence in regard to labour in one locality which may be of value to labour in another; in regard to

industries in one province of interest to industries in other provinces: and information of general utility to employers and workmen wherever found. It will seek, also, to bring to the notice of its readers in this country, facts from the experience of other countries, which may have a bearing on conditions here.

THE DEPARTMENT OF LABOUR, CANADA.

THE Department of Labour has been established by order of Parliament under authority of the Conciliation Act, 1900. This Act was passed at the last session of Parliament and assented to on the 18th of July. The section relating to the department is as follows:—

With a view to the dissemination of accurate statistical and other information relating to the conditions of labour, the Minister shall establish and have charge of a Department of Labour, which shall collect, digest, and publish in suitable form statistical and other information relating to the conditions of labour, shall institute and conduct inquiries into important industrial questions upon which adequate information may not at present be available, and issue at least once in every month a publication to be known as the *Labour Gazette*, which shall contain information regarding conditions of the labour market and kindred subjects, and shall be distributed or procurable in accordance with terms and conditions in that behalf prescribed by the Minister.

The Bill was introduced in the House of Commons on June 27, by Hon. William Mulock, Postmaster General, and received its second and third reading on July 6.

By Order in Council dated July 19, Mr. Mulock was appointed Minister of Labour.

The new department has its offices in the Molson's Bank Building, which is in close proximity to the Parliament Buildings and the offices of the other Government departments. The work of organization has been carried on with rapidity, and, although scarcely two months have elapsed since the Royal Assent was given to the Act authorizing its establishment, much progress has been made toward placing the department on a firm and substantial basis. The present issue of *The Labour Gazette* appears as its first publication.

During the months of July and August the following appointments were made in connection with the Department.

Editor of *The Labour Gazette*,

Mr. W. L. MACKENZIE KING.

Local Labour Correspondents:—

Mr. PHILLIPS THOMPSON, (City of Toronto).

Mr. JOHN APPLETON, (City of Winnipeg).

Mr. P. J. JOBIN, (City of Quebec).

Mr. EDWARD LITTLE, (City of Quebec).

Mr. JAMES T. BURKE, (City of Stratford).

Staff Clerk:—

Mr. FRANK PLANT.

'Fair Wages' officer,

Mr. D. J. O'DONOGHUE, (transferred from the Department of Public Works).

Officer for the enforcement of the Alien Labour Act,

Mr. EDWARD WILLIAMS.

Labour Program

"Celebrating 100 Years of Working Together"

The Labour Program celebrates 100 years of service to Canadians in the year 2000. Throughout its history, the Program has been dedicated to promoting and protecting the well being and rights of employers and workers.

For most of the last century, the Labour Program was an independent federal department known initially as the Department of Labour, and later as Labour Canada. In 1993, Labour Canada and parts of a number of other departments merged to form Human Resources Development Canada.

Created by the *Conciliation Act* of 1900, the Department of Labour gathered and disseminated various labour statistics through its flagship publication, the *Labour Gazette*. The Department also helped workers, unions and employers settle labour disputes, and secured fair wages and better working conditions on public work sites. The first Deputy Minister and Minister of Labour was William Lyon Mackenzie King.

By the 1940s, the Department of Labour was influencing the lives of thousands of Canadians through its involvement in federal-provincial shared-cost programs for employment services, technical education, old age pensions and unemployment relief. In addition, the Department was involved in combines investigation, vocational education, government annuity programs and fair wage laws on federal public works projects.

During World War II, the Department of Labour was responsible to "direct civilian labour supply in order to meet the requirements of war and essential services". After the war, the Department continued meeting its responsibilities for labour relations, employment, and workforce planning at the federal level.

In 1966, the Department of Manpower and Immigration was created and manpower planning and employment services, as well as the Unemployment Insurance Commission, were transferred from the Department of Labour to the new department.

While continuing to administer the *Canada Labour Code*, Part I (Industrial Relations), Part II (Occupational Safety and Health) and Part III (Employment Standards), and the *Fair Wages and Hours of Labour Act*, the Department of Labour has responded to the ever changing fabric of Canadian society. Over the years, the Minister of Labour has become responsible for administering many other acts and regulations including the *Employment Equity Act*, the *Non-smokers' Health Act*, the *Government Employees Compensation Act*, the *Merchant Seamen Compensation Act*, the *Penitentiary Inmates Accident Compensation Regulations* and the *Status of the Artist Act*.

The Department has been involved in many important areas throughout the years. Regarding women's issues, the Women's Bureau was created in 1954 and on the international front, the Department has a long history of involvement with the International Labour Organization. In the 1990s, with the signing of the North American Agreement on Labour Cooperation, the Labour Program expanded its international efforts in support of the well-being of workers. In 1998, the Minister of Labour attended the Inter-American Conference of Ministers of Labour, the first time that a Canadian Minister of Labour had ever attended.

As the 21st century dawns, the Labour Program continues its proud tradition of service to Canadians. At home we support our clients in their efforts to meet the challenges of globalization and the changing workplace, and with our international partners we continue to promote the rights and well-being of all workers.

We've come a long way in 100 years and look forward to the challenges of the new millennium.

Major Milestones

1900 Department of Labour established under the *Conciliation Act*. William Lyon Mackenzie King named first Deputy Minister and first issue of *Labour Gazette* published in September.

1908 Under the *Government Annuities Act*, the Department of Labour administers plan to help individual Canadians provide for their old age.

1909 *Labour Department Act* creates separate Labour Portfolio. William Lyon Mackenzie King sworn in as first Minister of Labour.

1911 First issue of the *Directory of Labour Organizations in Canada*.

1918 Under the *Employment Services Co-ordination Act*, the first employment offices are established under the Department of Labour.

1919 International Labour Organization established and Canada is a founding member.

1930 *Fair Wages and Eight-Hour Day Act* called for fair wages and an eight-hour working day for workers in the federal jurisdiction. Later, eight-hour day also established for government employees.

1940 New Unemployment Insurance Commission comes under the direction of the Department of Labour.

1944 Passage of P.C. 1003 (Wartime Labour Relations Regulations) which imposed a legal obligation upon the employer and the employees' bargaining agent to negotiate with each other in good faith.

1948 *Industrial Relations and Disputes Investigation Act*. Collective bargaining rights firmly established in law. Workers protected against intimidation during union drives. Canada Labour Relations Board established.

1951 Responsibility for the *Government Employees Compensation Act* passes from the Minister of Transport to the Minister of Labour.

1953 Department of Labour becomes responsible for the administration of *the Merchant Seamen Compensation Act* which ensured that employers fairly compensated seamen that were injured during the course of their duties.

1954 Establishment of the Women's Bureau to promote and advance opportunities for women in the workforce.

1965 *Canada Labour* (Standards) *Code* establishes minimum standards for hours of work, wages, annual vacations with pay, and statutory holidays with pay for workers in the federal jurisdiction.

1966 Department of Manpower and Immigration formed. Employment-related programs and services move from the Department of Labour to the new department.

1966 *Canada Labour* (Safety) Code passed. Codifies laws and regulations regarding safety standards for workers in the federal jurisdiction. Also, first issue of the Collective Bargaining Review published in December.

1967 The *Industrial Relations and Disputes Investigation Act* was consolidated with other labour statutes as the *Canada Labour Code*.

1978 Canadian Centre for Occupational Health and Safety formed.

1986 Joint employer-employee safety and health committees in the workplace required under the *Canada Labour Code*. *Employment Equity Act* passed.

1994 North American Agreement on Labour Cooperation between Canada, the United States and Mexico comes into force. Commits countries to protecting high labour standards and effectively enforcing their own labour laws.

1997 Canada-Chile Agreement on Labour Cooperation comes into effect. First annual North American Occupational Safety and Health Week held.

1998 Part I (Industrial Relations) of the *Canada Labour Code* amended to improve collective bargaining process for federally regulated industries. Abroad, Federal Minister of Labour participates, for the first time, in the Inter-American Conference of Ministers of Labour.

1999 Reinstatement of fair wage schedules.

1900-2000

Ministers of Labour

"Celebrating 100 Years of Working Together"

Sir William Mulock – *1900-1905*
A grim report on sweat shops and poor labour conditions prompted the government, under Mulock's guidance, to establish the Department of Labour through *The Conciliation Act* of 1900. From 1900 to 1909, the Department reported to Parliament through the Postmaster General.

William Lyon MacKenzie King – *1909-1911*
The first Deputy Minister of Labour, King, was also named the first full Minister of Labour when the Department was established as a separate portfolio in 1909. Having settled over 40 labour disputes while deputy minister, King brought with him a significant degree of expertise. An important achievement for the Department of Labour came in 1910 with the passage of the *Combines Investigation Act* which provided for the investigation of combines, monopolies, trusts and mergers.

Sir Allen Bristol Aylesworth – *1905-1906*
Served for less than a year before he was transferred to the Ministry of Justice.

Thomas Wilson Crothers – *1911-1918*
This minister's tour of duty took place during difficult years of the First World War. Problems of finding and assigning workers for ammunitions plants, farming and even the armed forces became a vital concern of the Department. One of his proudest moments came in 1918, when the Employment Service Council of Canada was established. The Council's task was to find ways of alleviating unemployment. Unfortunately, the strain of the war years took a toll on his health and Crothers resigned less than 10 days before the end of hostilities in 1918.

Rodolphe Lemieux – *1906-1909*
Lemieux co-authored the *Industrial Disputes Investigations Act* of 1907 with William Lyon Mackenzie King. The legislation was commonly referred to as the *Lemieux Act* and was considered "the most important piece of legislation passed in Canada since the creation of the Department of Labour in 1900."

Senator Gideon Decker Robertson – *1918-1921 – 1930-1932*
Robertson's time in the Labour Department coincided with the end of the First World War, as the task of converting the country from a war time to a peace time economy became a top priority. In addition to administrative tasks, which included the co-ordination of employment offices and technical education, much of this minister's success in solving early post-war problems was due to his ability to enlist the cooperation of clients. During the Depression, the minister was charged with efforts designed to provide relief to the unemployed.

Ministers of Labour (Cont'd)

James Murdock – *1921-1925*

After serving as vice-president and Chief Canadian Executive of the Brotherhood of Railroad Trainmen for 16 years, Murdock was appointed minister in December 1921. Among his many challenges, the most noteworthy was the passage of amendments to the *Industrial Disputes Investigation Act* to conform with a 1925 British Privy Council decision. The Privy Council ruling limited Parliament's jurisdiction over labour matters to federal works, undertakings and business, thereby setting the stage for the present system of labour law administration.

John Campbell Elliot – *1926-1926*

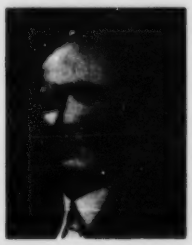
Served only a four-month term with a minority government.

George Burpee Jones – *1926-1926*

As with the previous minister, Jones served for a brief time.

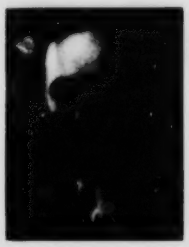
Peter Heenan – *1926-1930*

Heenan served as minister during the Crash of 1929 and the onslaught of the Great Depression. The *Unemployment Relief Act*, 1930, was soon passed in Parliament and the Department of Labour became responsible for a system of relief payments to provinces and municipalities across Canada. The payments provided direct relief to individuals and helped to set up local work projects. During his term, "Peter the Peacemaker" was credited with having personally prevented or settled more than 160 labour strikes. A true "son of the people" his work as a coal miner, deep sea diver, professional football player and locomotive engineer, gave him a unique perspective of the conditions and challenges in the workplace.



Wesley Ashton Gordon – *1932-1935*

By its fourth decade, the Department of Labour was a mature organization charged with the administration of a dozen acts of Parliament. During Gordon's tenure, relief for the unemployed was perhaps the most serious problem faced by government. In 1935, Canada announced a "New Deal", embodying in legislation many improvements in working conditions. These included a limitation on weekly hours of work, a minimum wage, closer regulation of working conditions, a system of unemployment insurance, and a system of health and accident insurance.



Norman McLeod Rogers – *1935-1939*

During his appointment, Canada emerged from the economic wreckage left by the Great Depression. However, time to savour this recovery was short lived as World War II began in September, 1939. On the home front, under the *Youth Training Act*, 1939, the minister became responsible for a new program designed to promote and assist in the training of unemployed youth.

Norman Alexander McLarty – *1939-1941*

McLarty's term as minister coincided with Canada's entry into World War II. This placed the responsibility for organizing the country's civilian forces upon his shoulders. In 1940, the National Labour Supply Council was established to advise on matters relating to the labour supply situation. Coincident with the war activities, McLarty piloted the *Unemployment Insurance Act*, 1940, through Parliament. As well as providing income support for the unemployed, the *Act* also provided for a system of local employment offices across Canada.

Ministers of Labour *(Cont'd)*

Humphrey Mitchell – ***1941-1950***
The Honourable Humphrey Mitchell holds the record as the longest serving Minister of Labour. During the War, Mitchell was responsible for Canada's wartime civilian mobilization efforts. One particular highlight for the minister was the 29th Session of the International Labour Conference held in Montréal in 1946, where Mitchell was unanimously elected president by the delegates representing labour, employers and governments of 46 countries. After the war, Mitchell tabled legislation requiring employers to reinstate men and women from the Armed Services into their old jobs.

Milton Fowler Gregg – ***1950-1957***
This minister served valiantly in both world wars earning the Victoria Cross for his actions in 1918. During Gregg's time, great strides were made in the area of human rights. In 1953, under the *Canada Fair Employment Practices Act*, it became unlawful to practice discrimination in employment in industries under federal jurisdiction by reason of race, national origin, colour or religion. The minister was made responsible for implementation and administration of this Act, and as a result, the Fair Employment Practices Branch was created.

Michael Starr – ***1957-1963***
Over and above his traditional duties as minister, Starr shouldered many additional responsibilities. During his appointment, Labour Canada became responsible for the *Vocational Rehabilitation of Disabled Persons Act*, the *Technical and Vocational Training Assistance Act*, the *Corporations and Labour Unions Returns Act* and the *Annual Vacations Act*. The *Annual Vacations Act* set two weeks of paid vacation per year as a minimum for full-time employees in the federal jurisdiction.

Allan MacEachen – ***1963-1965***
In addition to the popular 'War on Poverty' program, MacEachen played a part in the eventual passage of the Labour Standards section of the *Canada Labour Code*. The new *Code* consolidated legislation regarding employment standards in the federal jurisdiction.

John Robert Nicholson – ***1965-1968***
Change and growth in the Canadian economy was remarkable. In turn, the government decided to consolidate its manpower and immigration programs and services into the new Department of Manpower and Immigration. The effect on the Department of Labour was dramatic: four branches including the National Employment Service were transferred to the new department. These changes established the contours of the present-day Labour Program, whose primary focus is to promote a fair, safe, healthy, stable, cooperative and productive work environment that contributes to the social and economic well-being of all Canadians.

Jean-Luc Pépin – ***1968***
Served only a three-month term.

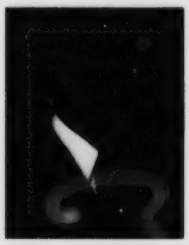
Bryce Mackasey – ***1968-1972***
Under a major revision and expansion of the *Unemployment Insurance Act*, 1971, the minister continued to report to Parliament for the Unemployment Insurance Commission although the Commission itself operated separately from the Department. In 1972, the Minister of Manpower and Immigration was finally made wholly responsible for the Unemployment Insurance Commission, and Labour's 31-year association with the Commission came to an end.

Ministers of Labour *(Cont'd)*

Martin Patrick O'Connell – ***1972-1972 – 1978-1979***
Only the second minister ever to hold the Labour portfolio twice, O'Connell was well respected by both employer and employee associations. A highlight during his first term came in 1972, when significant changes to the industrial relations provisions of the *Canada Labour Code* received Royal Assent. These changes made access to collective bargaining easier and extended bargaining rights to certain excluded groups such as supervisors, employed professionals and private police.

John Carr Munro – ***1972-1978***
The year 1975 was Labour's 75th anniversary and a time of change for the Department. At that time, the minister and senior staff were engaged in a major review of the Department's role and mandate. As a result of this review, the Department renewed and re-energized its focus on three key areas: promoting and protecting the rights of parties in the workplace, ensuring a working environment conducive to physical and social well-being, and ensuring a fair return for work effort. Good to his word, by 1978 all three areas had been addressed.

Lincoln Alexander – ***1979-1980***
This human rights visionary was elected to the House as a Member of Parliament in 1968 – the first black person ever elected to the House of Commons and in 1980, became the first black cabinet minister in Canadian history, accepting the portfolio of Minister of Labour. A consistent theme during his appointment was the emphasis on the need for employers to apply the principle of worker participation in corporate management.



Gerald Regan – ***1980-1981***
A former labour lawyer and premier of Nova Scotia, Regan chaired the Labour Relations Committee of Cabinet while Minister of Labour. One of his more popular policy moves was the announcement of a two-stage increase in the federal minimum wage.

Charles Caccia – ***1981-1983***
The first Italian-Canadian to become a Cabinet Minister in Canada's Parliament, Caccia was important in further modernizing the *Canada Labour Code*. The amendments strengthened the group termination provisions to include a requirement for joint planning committees, and improved access to severance pay.

André Ouellet – ***1983-1984***
A highlight of his term as minister came on June 29, 1984, when major amendments to the *Canada Labour Code* were passed by the House of Commons. The proposals made union dues payments mandatory, extended child care leave, and strengthened safety and health provisions. In addition, protection from sexual harassment was added to the *Code*.

William McKnight – ***1984-1986***
A primary focus for McKnight was the implementation of the 1984 amendments to the *Canada Labour Code*. These amendments were phased in over a two-year period, and included revisions to all three parts of the *Code*.

Ministers of Labour (Cont'd)

Pierre Cadieux – ***1986-1989***
A highlight of Minister Cadieux's tenure was Labour Canada's introduction of the Workplace Hazardous Materials Information System. The national system was designed to ensure that workers are knowledgeable in the safe use of hazardous materials and informed on how to treat an injury in case of accidental exposure. Cadieux was shocked to learn that 869 Canadian workers had been killed on the job in 1986. Since his time as minister, those numbers have declined substantially.

Jean Corbeil – ***1989-1991***
Corbeil was a firm believer in partnership and good employee-management relations. He also considered occupational safety and health a key priority. During his appointment as minister, the Department reviewed its strategic directions for the 1990s and applied the regulations made pursuant to the *Non-Smokers' Health Act*.

Marcel Danis – ***1991-1993***
During his time, Danis was involved in amendments to Part III (Labour Standards) of the *Canada Labour Code*. The changes expanded upon provisions related to maternity and parental leave. Danis also signed a Memorandum of Understanding on cooperative labour activities between Canada, the United States and Mexico. This lead to the coming into force of the North American Agreement on Labour Cooperation in 1994.

Bernard Valcourt – ***1993***
Valcourt served for a brief time of five months.

Lloyd Axworthy – ***1993-1995***
In a time of momentous change, the Department of Labour merged with other government departments and programs to form Human Resources Development Canada, with Axworthy as its minister. Soon after the merger, a number of difficult and important labour issues prompted the government to name a separate Minister of Labour.

Lucienne Robillard – ***1995-1996***
One of Robillard's most notable achievements as the first Minister of Labour under the new Human Resources Development Canada, was amendments to *Canadian Occupational Safety and Health Regulations* which addressed the special safety and health needs of persons with disabilities. She also announced the establishment of the task force, chaired by Andrew Sims, that conducted an independent review and recommended improvements to Part I (Industrial Relations) of the *Canada Labour Code*.

Alfonso Gagliano – ***1996-1997***
Gagliano was involved in the review of both Part I (Industrial Relations) and Part II (Occupational Safety and Health) of the *Canada Labour Code*. He also helped raise awareness of the problem of sexual harassment in the workplace and commissioned a task force to study the changing Canadian workplace. On the international front, Gagliano signed the Canada-Chile Agreement on Labour Cooperation.

Ministers of Labour *(Cont'd)*

Lawrence MacAulay – ***1997-1998***
On November 6, 1997, MacAulay tabled amendments to Part I (Industrial Relations) of the *Canada Labour Code* in the House of Commons. The amendments modernized the legislation, improved the collective bargaining process and promoted cooperative labour-management relations. MacAulay was also the first Canadian labour minister to attend the Inter-American Conference of Labour Ministers held under the auspices of the Organization of American States.

Claudette Bradshaw – ***1998-***
Minister Bradshaw introduced amendments to Part II (Occupational Health and Safety) of the *Canada Labour Code*, participated in the review process designed to modernize Part III (Labour Standards) of the *Code*, and announced the reinstatement of fair wage schedules under the *Fair Wages and Hours of Labour Act*. During her time as Minister of Labour, Canada ratified the International Labour Organization's Convention 182 on the Elimination of the Worst Forms of Child Labour. Bradshaw also had the distinction of being the minister during the 100th anniversary of the Labour Program.

by: J.P. Surette
Labour Communications

Deputy Ministers of Labour

"Celebrating 100 Years of Working Together"

William Lyon Mackenzie King – *1900-1908*

The Department of Labour was created by the *Conciliation Act* of 1900. That same year, Mackenzie King was named deputy minister and he was largely responsible for developing key legislation, including the *Industrial Disputes Act* of 1902, the *Railway Labour Disputes Act* of 1903 and the *Industrial Disputes Investigation Act* of 1907. King was also the first editor of the *Labour Gazette*. In 1908, he resigned his position as deputy minister to enter the House of Commons. The following year, he entered cabinet as the first Minister of Labour when the Department of Labour was established as a separate Cabinet portfolio.

F.A. Acland – *1908-1923*

Deputy minister for a span of 15 years, Acland holds the distinction of enjoying the longest term of any federal deputy minister of Labour. Under his guidance, a directory of *Labour Organizations in Canada* was published for the first time in 1911. Acland also played a role in drawing up the *Combines Investigation Act* of 1910 and the *Employment Services Co-ordination Act* of 1918, which helped facilitate the establishment of employment offices across Canada.

Howard H. Ward – *1923-1934*

Ward served under six Ministers of Labour. An enormous challenge of Ward's term was the economic and social fallout from the Great Depression of the 1930s, which shaped government policy for years to come. Legislation passed included the *Technical Education Extension Act* of 1929, the *Fair Wages and Eight-Hour Day Act* of 1930, the *Unemployment Relief Act* of 1930, and the *Vocational Education Act* of 1931. Personally, Ward considered the passage of the *Old Age Pensions Act* of 1927 as one of the highlights of his term.

William Murray Dickson – *1934-1940*

War clouds were gathering during Dickson's time as deputy minister. His administration saw the passage of the *Youth Training Act* in 1939, designed to help alleviate unemployment in Canada, and the passage of the *Fair Wages and Hours of Labour Act* of 1935 which replaced the legislation of 1930. In his writings, Dickson underscored the important role played by the conciliation service in its efforts to promote industrial peace.

Bryce Morrison Stewart – *1940-1942*

War-related commitments occupied much of Stewart's time, and the Department was responsible for everything from civilian mobilization for the war effort to obtaining a record and skills inventory of the entire working population. The National Selective Service of the Department of Labour handled these huge responsibilities, directing the maximum number of available workers into essential war industries.

Arthur James McNamara – *1943-1953*

McNamara's two major tasks upon appointment were the continuation of manpower mobilization efforts for the war and the maintenance of industrial peace. By 1945, the Department of Labour had clearly become a superministry. In addition to its seven main branches, the department included nearly a dozen boards and commissions and an equal number of specialized divisions. Responsibilities included everything from daycare for children and employment services to government annuities for senior citizens. In 1946, an International Labour Affairs Branch was established in the Department of Labour to give full-time attention to the responsibilities arising out of Canada's ILO membership.

Deputy Ministers of Labour *(Cont'd)*

Arthur Huntingdon Brown – ***1953-1961***

Two highlights of Brown's term included the establishment of the Women's Bureau in September 1954 and the passage of the *Fair Employment Practices Act* of 1953. The *Act* made discrimination by reason of race, national origin, colour or religion illegal in the federal jurisdiction. Additional duties included the administration of the *Annual Vacations Act*, 1958, which set two weeks of paid vacation per year as the minimum for full-time employees in the federal jurisdiction.

Dr. George Vickers Haythorne – ***1961-1968***

During Haythorne's tenure, significant legislation dealing with the *Canada Labour* (Standards) *Code*, the *Canada Labour* (Safety) *Code* and the *Fair Wages and Hours of Labour Act* came into force. In 1966, due to changes in the Canadian economy, the government decided to realign its manpower programs and services and four important branches related to employment services and training were transfered to the new Department of Manpower and Immigration.

James Douglas Love – ***1968-1971***

From the spring of 1968 to 1969, Labour Canada was a very busy department. More disputes were referred to and settled by conciliation officers than in any other year since the inception of the *Industrial Relations and Disputes Investigation Act* in 1948. Fittingly, he was a strong proponent and participant in preventive mediation. With Love at the helm, the Department of Labour also took the lead in developing a program for the celebration of the 50th Anniversary of the International Labour Organization. The celebrations took place in Canada in 1969 and culminated in the launch of a commemorative ILO stamp by the Post Office.

Bernard Wilson – ***1971-1973***

Serving with the Department of Labour since 1939, Wilson was regarded as a knowledgeable, plain talking "master" mediator with an admirable track record in settling disputes. Wilson helped update the industrial relations provisions of the *Canada Labour Code* before retiring in 1974.

Tom Eberlee – ***1974-1982***

A former journalist, Eberlee, at the age of 35, held the distinction of being the youngest deputy minister of Labour in Ontario's history, before accepting the job of federal Deputy Minister of Labour. A strong supporter of collective bargaining, human rights, and the improvement of minimum labour standards, a most significant task was Eberlee's role in the restructuring of Labour Canada in 1975.

Mark Daniels – ***1982-1985***

Daniels was a player in the major package of amendments made to all parts of the *Canada Labour Code* in 1984. It was the first set of amendments made to the *Code* since the legislation came into force in the mid 1960s. The proposals included extended child-care leave, strengthened safety and health provisions, and improved provisions for the conduct of labour relations.

Jennifer McQueen – ***1985-1990***

As deputy minister, McQueen oversaw the transfer of the office of the Fire Commissioner of Canada from the Department of Public Works to Labour Canada. Among other things, the Fire Commissioner was responsible for fire safety services in the federal public service. In addition, the Bureau of Labour Information received an Award of Excellence from the Auditor-General of Canada for superior performance and valuable contribution as a service to the public in 1988.

Deputy Ministers of Labour *(Cont'd)*

Raymond Protti – *1990-1991*
One of Protti's major career highlights occurred during the years 1989 and 1990, when the Coal Mining Safety Commission for the Cape Breton Development Corporation's coal mining operations was created. The tripartite commission, unique in Canada, allowed for the more efficient operation of the mines while ensuring the health and safety of workers.

Gerald Capello – *1991-1993*
Capello was Labour Canada's last deputy minister before the merger with Human Resources Development Canada. As well as tending to his many duties as deputy minister, Capello was involved in plans to modernize Part III (Labour Standards) of the *Canada Labour Code*.

Assistant Deputy Ministers of Labour

With the merger of Labour into Human Resources Development Canada, the position previously titled deputy minister of Labour Canada became assistant deputy minister of the Labour Program

Michael McDermott – *1993-1994*
During his numerous years with the Department of Labour, McDermott held several key positions including director general of both Policy and the Federal Mediation and Conciliation Service. McDermott was appointed assistant deputy minister in 1993. His substantial contribution to the consultative and legislative process that lead to comprehensive amendments to Part I (Industrial Relations) of the *Canada Labour Code* was a major career milestone in a notable career.

Nicole Senécal – *1996-1998*
Senécal focussed much of her energies on employee relations and morale during the consolidation of HRDC. During her tenure, the report entitled, *Collective Reflection on the Changing Workplace*, was issued. The report dealt with some of the major dimensions of recent workplace changes produced by globalization, computerization and changing labour market institutions.

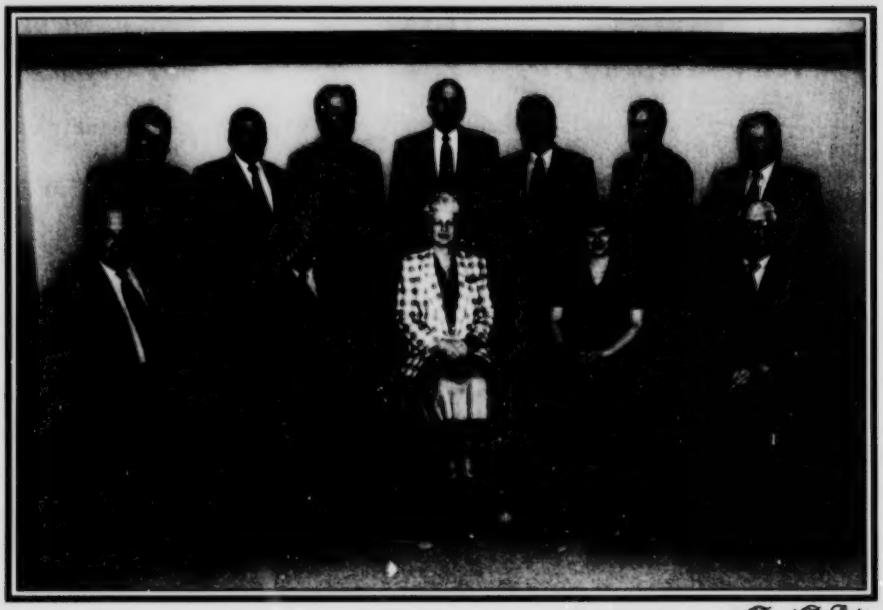
James Lahey – *1994-1995*
After a three-year stint as head of Policy at the Department of Labour, Lahey was promoted to assistant deputy minister of the Labour Program, HRDC. Lahey's primary focus at the time was the integration of Labour Canada into the new superministry. Maintaining ties to stakeholders and dealing with employee expectations were key goals.

Warren Edmondson – *1998-*
Edmondson is widely regarded as one of Canada's leading experts in industrial relations and mediation. Edmondson had been the director general of the Federal Mediation and Conciliation Service since 1990. During Edmondson's time as assistant deputy minister, amendments to Part I (Industrial Relations) and Part II (Occupational Health and Safety) of the *Canada Labour Code* were promulgated. In addition, the reinstatement of fair wage schedules under the *Fair Wages and Hours of Labour Act* took place. Edmondson holds the honour of being assistant deputy minister during the celebrations of Labour's 100th anniversary.

by: J.P. Surette
Labour Communications

Mediators and Conciliators Helping Canadians

"Past and Present"



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Staff Mediators, Federal Mediation and Conciliation Service, May 1999
Front row, left to right: *Barry Shaw, Ron Kervin, Elizabeth MacPherson, Sheri King, Mike Collins,*
Back row, left to right: *Jacques Lessard, Arnold Powers, Tom Hodges, Denis Howe, Murray Keans, Tom Dinan, Carl Gareau*
Missing: *Warren Edmondson, Bill Lewis, Martine Goyette, Linda Ringwood, Guy Lalonde.*
In 2000, three new mediators were hired: *Paul Macdonell, François Nadeau and Jennifer Webster.*

F.A. Ackland
1908-1923

F.J. Ainsborough
1942-1963

Marcel Archambault
1971-1977

F.J. Armstrong
1941-1941

W.H. Armstrong
1917-1921

Henry Bartenbach
1974-1986

Darwin Benson
1981-

Théo Bertrand
1917-1928

Jim Breckenridge
1980-1992

Gerald H. Brown
1914-1929

D.T. Bulger
1917-1925

Doug Cameron
1967-1977

M.S. Campbell
1927-1941

M.K. ("Mac") Carson
1972-1989

D.T. Cochrane
1953-1969

Michael Collins
1974-

Edgar Compton
1913-1928

André Courchesne
1988-1994

Don Crabbe
1976-1981

George R. Currie
1942-1964

Guy De Merlis
1977-1986

James DeYoung
1982-1992

Thomas Dinan
1997-

William Dodd
1977-1979

Mediators and Conciliators Helping Canadians *(Cont'd)*

R.G. Dorion
1970-1972

G.R. Doucet
1968-1987

André Drouin
1981-1989

Victor Dubreuil
1912-1915

William Dunn
1944-1948

Rémi Duquette
1955-1962

Warren Edmondson
1987-

Sydney Emmerson
1965-1966

Louis Fine
1944-1945

Horace Fisher
1968-1979

George Fenwick
1944-1946

R.L. Fournier
1965-1968

A.A. ("Bud") Franklin
1969-1976

W. Fraser
1946-1946

C. Arthur Frey
1965-1965

Maurice Gagné
1982-1986

Carl Gareau
1990-

Arthur R. Gibbons
1972-1978

Joe W. Gillies
1964-1990

Clark M. Gilmour
1966-1968

Martine Goyette
1999-

Herbert D. Grant
1980-1988

R. Nat Grey
1968-1974

J.S. Gunn
1953-1970

Fredrick E. Harrison
1916-1946

Tom Hodges
1992-

H.S. Hood
1913-1916

Ronald H. Hooper
1943-1954

Denis Howe
1982-

Kenneth Hulse
1968-1985

James Hutcheon
1943-1947

H.S. Johnston
1941-1948

Murray Keans
1995-

William P. Kelly
1967-1989

Ron Kervin
1970-2000

William D. Killins
1912-1925

Sheri King
1995-

J.R. Kinley
1951-1951

Beryl Kirk
1978-1984

A.E. Koppel
1966-1977

Frank Lafortune
1943-1944

Guy Lalonde
1996-2000

C. Lamarche
1982-1983

R.F. ("Bob") Langford
1971-1973

Jacques Lessard
1997-

William Lewis
1982-

J.J. de Gaspé Loranger
1972-1975

Allen MacDonald
1943-1946

Archie MacDonald
1976-1980

Paul Macdonell
2000-

J.L. MacDougall
1942-1952

W.L. MacKenzie-King
1900-1908

F. MacKinnon
1944-1945

M.M. MacLean
1942-1952

Mediators and Conciliators Helping Canadians *(Cont'd)*

Arthur MacNamara
1943-1953

Elizabeth MacPherson
1978-1994;
1999-

Albert Maisonneuve
1980-1998

T.W. Marin
1928

J.S. McCullagh
1940-1947

Michael A. McDermott
1986-1994

J.D. McNiven
1911-1917

T. Bruce McRae
1960-1979

J.D. Meredith
1965-1967

Cyprien Miron
1943-1944

Graham Mitchell
1986-1992

Allan A. Morrow
1978-1980

James Murdock
1921-1925

François Nadeau
2000-

J.P. Nicol
1942-1948

Charlie A. Ogden
1969-1985

R.L. O'Neill
1949-1955

S.T. Payne
1969-1977

Liguori Pepin
1942-1953

Harold Perkins
1944-1953

Horace R. Pettigrove
1941-1967

Charles Poirier
1951-1970

Arnold Powers
1994-

G.H. Purvis
1959-1965

E. McG. Quirk
1921-1928

Vince Ready
1979

Linda Ringwood
1987-

George W. Rogers
1971-1976

Bernard K.C. Rose
1943-1946

C.W. Rump
1943-1946

Barry Shaw
1981-

David Shepherdson
1995-1996

Michael Sinclair
1975-1978

P.J. Sutherland
1943-1948

Rock St-Hilaire
1978-1998

Yvon St. Onge
1976-1979

Akivah Starkman
1996-1998

W.L. Taylor
1953-1955

Ron A. Tennant
1975-1985

Claire Tremblay
1990-1998

Raoul F.X. Trepannier
1941-1957

Donald S. Tysoe
1942-1975

Len Waller
1976-1986

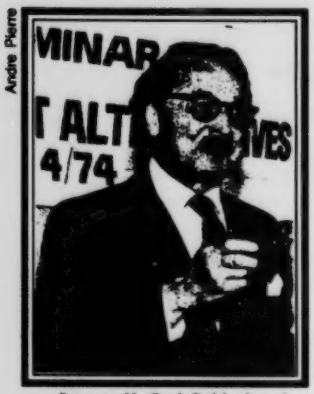
Jennifer Webster
2000-

Thomas Williams
1945-1948

Bernard Wilson
1948-1956

Jack Wynter
1982-1991

IN HONOUR OF AN ICON: SENATOR H. CARL GOLDENBERG



*Senator H. Carl Goldenberg**

On November 10th of 2000, the School of Industrial Relations, Industrial Relations Centre, and Archives of Queen's University honoured the lifetime of achievement and contributions to public life of Senator H. Carl Goldenberg and the generous donation of the H. Carl Goldenberg Papers to Queen's. The Queen's Industrial Relations Centre sponsored a permanent display of materials drawn from the Goldenberg Collection, and the School of Industrial Relations and Industrial Relations Centre have established the H. Carl Goldenberg Scholarship in Industrial Relations. Professor Richard Chaykowski of Queen's noted that "Senator Carl Goldenberg's stature in Canadian industrial relations is likely unparalleled and his legacy in public life stands as source of immense inspiration to students and practitioners of labour relations. Queen's recognition of his outstanding contributions to industrial relations coincides well with the celebration of the 100th Anniversary of Labour in Canada."

H. Carl Goldenberg was born in Montreal on October 20, 1907, the son of Jewish immigrant parents. He was educated in the public school system in Montréal and at McGill University. He received his B.A., in 1928, as gold medallist in economics, his M.A. in 1929, his B.C.L. in 1932, also as gold medallist, and was called to the Bar of Quebec in 1932.

During his early years of law practice, Goldenberg lectured, part-time, in economics at McGill, having been invited by his old professor, Stephen Leacock, who was then chairman of the Economics Department. Goldenberg published his first book, *The Law of Delicts under the Civil Code of Quebec*, in 1935. This was used as a text on torts in Quebec for many years.

It was by virtue of his reputation as a McGill economist that the Dominion Conference of Mayors (now the Canadian Federation of Mayors and Municipalities) retained him, in 1936, to present a brief to the federal government on unemployment relief policy and financing. This led eventually to further appointments in the area of municipal finance and organization and to his first experience with dispute resolution, an activity that occupied such a significant part of his professional career in later years.

In 1937, the Mayor of Montreal, Camillien Houde, who knew him from his work for the Conference of Mayors, appointed him to arbitrate a dispute between Montreal news dealers and the distributors of American publications. Later in the same year, Goldenberg was appointed advisor on municipal finance to the Royal Commission on Dominion-Provincial Relations ("the Rowell-Sirois Commission"). He was author of one of the special studies for that Commission: *Municipal Finance in Canada* (1939).

In 1938, at the age of thirty, he was appointed Chairman of a Royal Commission on the Finances and Administration of the City of Winnipeg. This made him the youngest royal commissioner ever appointed in Canada. Following his report on Winnipeg, he was appointed Commissioner to inquire into the operation of government commercial enterprises in Manitoba. His report recommended the reorganization of the Manitoba telephone system, power commission and liquor board, all publicly owned utilities. In 1940, Goldenberg was appointed an advisor to a Royal Commission on Taxation in Quebec. In the same year, he was named chairman of a Provincial Board of Arbitration to write a collective agreement in the women's apparel industry in Quebec. Later he became permanent arbitrator in both the women's and men's garment industries.

Goldenberg joined the Canadian government's War Organization in 1940 at the invitation of the Honourable C.D. Howe, Minister of Munitions and Supply. He spent the war years as Director General of the Economics and Statistics Branch of the Department of Munitions and Supply. In that capacity, he also served as a member of the War Production Board, a member of the National Selective Service Advisory Board and as Chairman of a Manpower Committee to plan the transfer of men to the armed forces in a way that would interfere least with war production, while assuring the armed forces an adequate supply of manpower. He

* Reproduced from the Labour Gazette - January 1975

also served as Chairman of the Industrial Production Cooperation Board whose purpose was to improve war production through better labour-management relations. He was instrumental, in that capacity, in establishing labour-management committees in the major war industries. Goldenberg was executive assistant to the Chairman of the Canadian section of the Joint War Production Committee of Canada and the U.S.A., established after the Hyde Park Agreement in 1941 to coordinate war production between the two countries. In 1943 he flew to London as representative of the Minister of Munitions and Supply for meetings on war production with officials of the British government.

Later in the same year, the employees of the Montreal Tramways Company went on strike. That strike created a serious threat to war production with workers in war industries deprived of public transportation. When it appeared that the strike might close war plants, Goldenberg was sent to Montreal to deal with the dispute. After sixteen hours of continuous negotiations from noon one day to 4:00 a.m. the following morning, Goldenberg succeeded in settling the strike. This was the first of the major labour disputes he would be called upon to settle in the course of a long and distinguished career.

In 1944 Goldenberg was advisor to the Canadian Government delegation to a conference of the International Labour Organization, being held in Philadelphia. The following year he was appointed Labour Advisor to C.D. Howe who, by that time, occupied the new portfolio of Minister of Reconstruction.

Goldenberg was awarded the Order of the British Empire in recognition of his services to the war effort.

Following the war, he returned to his law office in Montreal, where he resumed and expanded his many faceted career in areas as diverse as public finance, municipal organization, federal-provincial-municipal relations, constitutional law and labour relations. His contributions in those areas were recognized by appointment to the Order of Canada in its first honours list (1967). He was also the recipient, in subsequent years, of honorary degrees from six universities in Canada, including a much-appreciated L.L.D. from Queen's.

In 1946 Goldenberg began a long series of government appointments that would continue for much of the rest of his life. These appointments covered a broad range of activities, in addition to his work in mediation and arbitration for which he is perhaps best known.

He was a Royal Commissioner on Provincial-Municipal Relations in British Columbia (1946-1947), Special Commissioner under the federal Combines Act to investigate an alleged combine in the Bread Baking Industry in Western Canada (1948) and in the Wire and Cable Industry (1952-1953). He acted as Special Counsel for British Columbia (1950-1956), for New Brunswick (1960-1961) and for Newfoundland (1957-1965) at federal-provincial conferences. He was Counsel to the government of Newfoundland on the Revision of the Financial Terms of Union with Canada (1954-1958), was a Commissioner on Municipal Taxation in Winnipeg (1957-1958), Vice-Chairman of the Quebec Royal Commission of Inquiry into Provincial, Municipal and School Board Sources of Revenue (1963-1965) and Vice-Chairman of the Quebec Economic Advisory Council (1962-1968). He was Royal Commissioner on Metropolitan Toronto (1963-1965), on Metropolitan Saint John, New Brunswick (1963), Greater Fredericton, New Brunswick (1970-1971) and Greater Moncton, New Brunswick (1970-1971). He served as Chairman of the Tri-Level Conferences of Federal, Provincial and Municipal Governments (1972 and 1973) and as Chairman of the first National Conference on Multiculturalism (1973). He was Special Counsel to the Royal Commission on the Economic Union and Development Prospects of Canada (1983-1985).

As for his work in labour relations, for which Queen's is establishing a scholarship in his memory, Goldenberg probably settled more strikes, through mediation or arbitration (most by government appointment, others by invitation of the parties) and conducted more public inquiries into problem areas of labour relations, than any other Canadian during the period of his active career.

He settled the Great Lakes Shipping Strike, as a Federal Commissioner (1956), was Chairman of an Industrial Inquiry Commission on construction industry strikes in Vancouver (1958), was Royal Commissioner on Labour-Management Relations in the Construction Industry of Ontario (1961-1962) and settled the year-old Royal York Hotel Strike in Toronto (1962). He was

Arbitrator in the Ontario Hydro Employees' Dispute (1962), Federal Mediator in a national railway strike (1966), settled a national strike in the meat-packing industry (1966) and a strike at Sydney Steel Corporation in Nova Scotia (1972).

In response to serious unrest in the Postal Service, the federal government appointed him Royal Commissioner to inquire into Mail Transportation (1970). He was appointed Mediator in the Manitoba Hydro Employees' dispute (1973), Arbitrator in the Newfoundland Hospital Employees' Strike (1973), Chairman of the Board of Arbitration in the Windsor Ontario separate school teachers' dispute (1974), Arbitrator in the Toronto Transit Commission Employees' strike (1974). He was Arbitrator in the University of Manitoba Faculty Association dispute (1976), settled the Vanier College Teachers' strike (1978) and arbitrated the Acadia University Faculty Association salaries (1979). He was Arbitrator of Metropolitan Toronto Police Force Salaries (1984), Conciliation Commissioner, Air Canada and Machinists Negotiations (1985), Conciliation Commissioner, Canadian Broadcasting Corporation and National Association of Broadcast Employees (1986). His last major appointment in a labour dispute was as Chairman of a Conciliation Board under the Government Services Resumption Act re the Hospital Services Group, Public Service Alliance and Treasury Board of Canada (1990).

In addition to his various appointments in Canada, Goldenberg was appointed Chairman of a Commission of Inquiry into strikes in the Sugar Industry of Jamaica (1959) and of Trinidad (1960 and 1962).

Another significant contribution to labour relations was his co-edited volume on *Construction Industry Labour Relations*, published in 1968. The study was undertaken at the invitation of the Canadian Construction Association, as its Centennial Project. Goldenberg accepted the invitation on condition that the work be published simultaneously in English and in French.

Goldenberg won the respect of both sides for his fairness and integrity in his work in labour-management relations. His judgment and fairness were recognized further by the Canadian Labour Congress when it appointed him arbitrator of jurisdictional disputes between its own affiliates, with the title of Umpire of Jurisdictional Disputes. He served in this capacity from the formation of the Canadian Labour Congress until the end of his active career.

Goldenberg always enjoyed his university associations and served for many years as a member of the Board of Governors of McGill University, later named Governor Emeritus, and as a member of the Advisory Committee of the Centre for Research in Public Law, University of Montreal.

He was appointed to the Senate of Canada on November 3, 1971 by the then Prime Minister, Pierre Elliott Trudeau. He had been Special Counsel on the Constitution to Prime Minister Trudeau from 1968 to1971 and for some time earlier when Trudeau was Minister of Justice. Goldenberg participated actively in the Senate proceedings. He was Chairman of the Standing Committee on Legal and Constitutional Affairs for most of his time in the Senate and a member of the Joint Senate and House of Commons Committee on the Constitution in 1981-1982. He retired from the Senate on October 20, 1982, at the statutory retirement age of seventy-five.

Carl Goldenberg was called upon for his expertise and advice by federal Prime Ministers and provincial premiers, beginning in the time of Mackenzie King and continuing throughout his career. The words of Prime Minister Chrétien, on the occasion of Goldenberg's death (July 22, 1996) summarize his life work and his contribution to the people of Canada:

> "I will remember him as a brilliant man with a remarkable command of wide-ranging policy issues. He was an eminent lawyer, a respected senator, a noted constitutional expert, and one of Canada's leading labour conciliators who helped to settle some of the most difficult labour disputes across the country. He was a modest and unassuming man, but always very articulate and persuasive. Above all, he was deeply committed to public service and to Canada."

THE EVOLUTION OF INDUSTRIAL RELATIONS IN CANADA OVER THE PAST 25 YEARS: STABILITY IN THE FACE OF CHANGE

Michael Abbott
Federal Mediation and Conciliation Service
Labour Program, Human Resources Development Canada

The evolution of labour legislation in Canada over the past 100 years has been rapid. In contrast to the centralized system of industrial relations in the United States, Canada's labour law and legislative changes have predominantly been made at the provincial level.

Roughly 6 per cent, or 700,000, of Canada's employees fall under the auspices of federal regulation.[1] It is not surprising, therefore, that labour legislation at the federal level is often precipitated by legislative experimentation in various provinces, where the smaller number of actors in the decision-making process has enabled frequent reforms in Canada and greater ease in achieving consensus. The purpose of this paper is to trace the evolution of federal labour legislation over the past 25 years.[2] The analysis will be focused upon changes made to Part I of the Canada Labour Code, hereafter referred to as the Code, during this time period.[3] The events that led to these reforms, as well as the procedural changes that affected the industrial relations climate, will be examined and placed in context with similar legislation that exists within the individual provinces. While the essay's intent is to convey the major changes since 1975, it is important to briefly summarize some key events that occurred immediately prior to this departure point in order to fully understand the foundation from which federal labour legislation evolved over the past quarter century.

The Woods Report

Canadian Industrial Relations: The Report of the Task Force on Labour Relations, commonly known as the Woods Report, laid the foundation for some of the changes in the *Code* that have occurred over the past 25 years. Released by the Privy Council Office in December 1968, the Woods Report's mandate was to, "....examine industrial relations in Canada and to make recommendations to the government with respect to public policy and labour legislation and on such other matters as were considered relevant to the public interest in industrial relations in Canada." (*Canadian Industrial Relations*, 1968: iii)

The Woods Report represented the first in-depth study of Canadian labour-management relations. It attempted to prescribe labour practices and legislative propositions that would better serve all industries in Canada. A number of provinces adopted legislation that was directly derived from the Report. As Paul Weiler commented in 1980:

> *"Since that report ([the Woods Report] was released in 1968, there has been an explosion of labour law reform right across the country, both in Parliament and in the 10 provinces. Each jurisdiction has been able to try out those innovations that seemed to fit with the character of its industries, the complexion of its workforce, and the spectrum of its political allegiances."* (Weiler 1980: 11)

The federal government relied heavily upon Woods Report considerations when making changes to the *Code* in 1972 and subsequently. All-encompassing in subject area, the Woods Report recommendations that are pertinent to individual *Code* reforms will be singled out and explained to acknowledge the origins of development of federal labour legislation during our reference period.

The 1972 *Code* Reforms

In 1967, the *Canadian Labour Code*, an Act consolidating the federal labour statutes, was enacted. Major amendments to Part V of the *Code* were made in 1972, replacing the *Industrial Relations and Disputes Investigations Act 1948*, to reflect modern

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[1] To compare, the United States federal government has jurisdiction over an estimated 70 per cent of the American labour force.

[2] For an account of labour reform for the 1900-1975 period, see Craig and Solomon (1996); Gunderson and Ponak (1995); *Seeking a Balance* (1996).

[3] The industrial relations provisions originally appeared in Part V of the *Code*. In the general statute revision of 1985, Part V became Part I; for the purposes of this essay, Part V will be referred to as Part I, or simply the *Code*.

trends in industrial relations. This marked the first time in 24 years that federal labour relations legislation had been revised.

The 1972 reforms were far-reaching in their scope.[4] Some of the major changes included:

- the establishment of bargaining rights via voluntary recognition, as well as through the previous method of certification. Procedural mechanisms were also included to stipulate the functional process(es) of this change.
- a provision to ensure a necessity for parties to bargain in good faith.
- a provision that made arbitration decisions final. Arbitrators were also given the power to vary a disciplinary penalty.
- the establishment of a full-time, non-representational Canada Labour Relations Board with jurisdiction over numerous areas of industrial relations at the federal level. Some new duties included jurisdiction over unfair labour practice complaints and the ability to decide upon technological change disputes.

This list is by no means exhaustive in regards to the full scope of the amendments. Virtually all of the 1972 reforms derived from recommendations in the Woods Report; such a comprehensive analysis of labour policy was not again conducted in the federal jurisdiction until the Sims Report of 1996. However, over the intervening years, a number of amendments were introduced into the *Code* at semi-regular intervals. Description of these amendments follows.

Duty of Fair Representation

The original version of the current section 37 was introduced in 1978 and was subsequently modified in 1984 to restrict its scope of application. The federal duty of fair representation provision currently reads as follows:

> A trade union or representative of a trade union that is the bargaining agent for a bargaining unit shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit with respect to their rights under the collective agreement that is applicable to them.

The purpose of the clause is to ensure that all employees in a bargaining unit receive fair treatment from the certified bargaining agent, whether or not they are union members. Prior to the federal amendment, three provinces had explicit duty of fair representation clauses in their legislative framework: British Columbia, Ontario and Quebec. All three provinces adopted these provisions after the Woods Report was released. The Report argued convincingly for the specific inclusion of duty of fair representation within labour legislation:

> Another troublesome issue concerns the relative rights of the collectivity and of the individuals in the negotiation and administration of a collective agreement. The problem can best be illustrated in relation to the individual member's right of access to the grievance procedure and to arbitration. Normally such access is controlled by the union, and this is as it must be if collective bargaining is not to be undermined. Yet the union should be expected to exercise this discretionary power in a fair and impartial manner if it is not to have arbitrary control over its members. This suggests that a union should be able to show that it acts in good faith whenever it chooses not to pursue a member's grievance or to pursue another one contrary to its interests. This must be the limit to any concept of fair representation if responsible collective decision making within and between union and management is not to be jeopardized. (*Canadian Industrial Relations*, 1968:104)

Since the 1978 *Code* amendment, four other provinces have added duty of fair representation clauses into their respective legislation: Alberta, Manitoba, Newfoundland and Saskatchewan.[5] The absence of such clauses does not necessarily result in decreased access to arbitration and the grievance procedure. Rather, the jurisprudence suggests that in the absence of duty clauses, the courts can rely upon the common law doctrine of natural justice to resolve such complaints; the two underlying principles of natural justice being the rule against bias and the right to a

[4] See Adams (2000) and articles contained within the *Labour Gazette Anniversary Issue-1975* for a detailed account of all amendments.

[5] It should be noted that for labour relations purposes, Nunavut, Yukon and the Northwest Territories are subject to the provisions of Part I of *the Canada Labour Code*.

fair hearing. However, the inclusion of a definitive duty of fair representation provision in a labour relations statute ensures ready access to a specialized complaint mechanism (i.e, a labour relations tribunal) rather than remedy through the courts.

The labour and management reaction to the inclusion of duty of fair representation into the *Code* was mixed. The labour movement viewed the incorporation as unnecessary and also somewhat anti-union if the duty of fair representation clause was not coupled with a mandatory dues check-off provision. As the Canadian Labour Congress lamented:

> *"This duty of fair representation clause is a typical example of describing legal duties of trade unions without giving them the material means of carrying them out at the same time. These duties of fair representation have already been established before arbitration boards and the courts. They have been practiced by the trade unions, without obtaining material compensation for services rendered to members of bargaining units who do not pay any affiliation fees to the trade unions concerned. We strongly feel that the members of a bargaining unit who are not trade unionists should pay a compensation fee to the trade union which is defending their interests."* (LMI No.8, 1978: 8A:16)

Employer reaction centred on a concern that there would be an increase in the incidence of cases with little merit; it should be noted that the labour movement echoed this sentiment. Such an occurrence would affect the efficiency and balance of the union/ management relationship. Similar concerns had been raised a decade earlier in the United States, when duty of fair representation was adopted in American jurisprudence. It was feared that:

> *"Undue costs would be visited upon the parties by an irresponsible rank-and-file arbitrating useless or "frivolous" claims. There are some who would argue that granting individual rights would just open the door to cranks or frank anti-union forces who would use the opportunity to bankrupt the union, destroy the grievance procedure or gain support for a rival minority union or a company union."* (Kroner, 1978; in Muthuchidambaram 1980: 4).

Imposition of First Collective Agreements

Section 80 (1) of the *Code* provides that where parties negotiating a first collective agreement fail to reach a settlement and have fulfilled all legal requirements for a strike or lockout, the Minister of Labour has the discretion to direct the Canada Labour Relations Board to inquire into the dispute. After such inquiry, if the Board deems unwarranted, it has the authority to settle the terms and conditions of the first collective agreement between the parties. This provision was introduced into the *Code* in 1978, at the same time as the previously mentioned duty of fair representation clause. Originally, the length of the imposed agreement was one year; however, recent amendments have extended the permissible duration to two years.

The template for this provision was the adoption of comparable legislation in British Columbia in 1973. On one front, British Columbia's early experience did not paint a rosy picture for this type of legislation, as virtually all of the cases in which first agreements were imposed resulted in the union being decertified shortly thereafter. This phenomenon led Paul Weiler, Chairman of the British Columbia Labour Relations Board at the time and a key actor in the drafting of the British Columbia legislation, to comment:

> *"These bargaining units tended to be small, employee turnover was high, the union was not able to retain or to rebuild its support, and the employer remained hostile throughout the entire experience. I now believe that special conditions are needed if first-contract arbitration is to be able to preserve long-range collective bargaining against the efforts of a recalcitrant employer. The unit must be fairly sizable, the union must retain a solid core of supporters who can act as an inside unit committee, and there should be a two-year agreement in which to engage in visible administration of the contract (that is grieving discharges, seniority cases, and the like) in order to demonstrate the value of collective bargaining in action. Only in this way will the union have the footing it needs to survive the expiry of the first contract, when it must negotiate a renewal on its own."* (Weiler, 1980:54)

A major benefit for the British Columbia experience was the effectiveness of this legislation as a preventive tool; very few agreements were imposed by the British Columbia Board during the initial years following its inclusion. This is the effect that the policy makers were hoping for, as the intention of this legislation was twofold: to lessen the number of first-contract confrontations and to prevent employers from refusing to bargain in good faith. The Honourable John Munro, federal Minister of Labour during the 1978 *Code*

amendments, summed up the reasoning behind the new federal legislation in a statement before the Standing Committee on Labour:

> *"The Canada Labour Relations Board certifies the employees as a bargaining unit for collective bargaining purposes. Then they go to negotiate with the employer, and it is spun out and spun out and spun out and spun out, and no collective agreement is ever signed. Both sides charge each other with bargaining in bad faith, and so on. There are motions and applications before the Canada Labour Relations Board. It still spins out and, before you know it, the whole thing dies. The employees have moved and finally given up, and so on. This has happened innumerable times."*
> (LMI No.2, 1978: 2:22)

It is not surprising that organized labour was in favour of imposed first collective agreement legislation, as it provides a mechanism to deal with vehemently anti-union employers. The Canadian Labour Congress applauded the legislation; however, it did interject that either party should be able to request such action, rather than leaving it to ministerial discretion. Conversely, the employers held the new legislation in extremely low regard. They asserted that the new amendment "undermined the basic principles of collective bargaining" (Muthuchidambaram, 1979). Furthermore, employers' groups charged that the new clause would inevitably lead to a scenario whereby all first agreement situations would result in compulsory arbitration due to the fact that there would be no incentive to bargain. This conviction has not been evidenced, in fact, the opposite effect has taken place. The table below shows the low frequency of application.

Currently seven provinces have provisions for settlement of a first collective agreement contained in their legislation: British Columbia (1973), Quebec (1977), Manitoba (1982), Newfoundland (1985), Ontario (1986), Saskatchewan (1994) and Prince Edward Island (1994).[6]

Mandatory Union Dues Check-Off

The provision for the compulsory check-off of union dues was introduced into the *Code* in 1984 (section 70(1)). It stipulates that the employer is required to deduct an amount equal to union dues from the pay cheque of every member of the bargaining unit, whether or not the worker is a member of the union. This amendment is based upon the now-famous 1946 United Auto Workers-Ford Motor Company arbitration decision by Ivan C. Rand, the Chief Justice of the Supreme Court of Canada. He decided that while workers in a bargaining unit should not be required to join the union, the payment of dues should be mandatory. This rationale came to be known as the "Rand formula", which in its pure form is contained in some 34 per cent of major collective agreements.[7]

Number of First Agreements Referred to and Imposed by the Canada Industrial Relations Board*

Calendar year	Number of ministerial referrals to the Board	Number of agreements imposed by the Board
1978-1982	15	6
1983-1987	5	5
1988-1992	1	0
1993-1997	1	0
1998-2000	0	0
Total	**22**	**11**

* Previously named the Canada Labour Relations Board. The Board was renamed the Canada Industrial Relations Board in the 1999 *Code* amendments.

Source: Canada Industrial Relations Board.

[6] Prince Edward Island legislation not yet in force.

[7] According to the Workplace Information Directorate Database, in 2000 90 per cent of all unionized workers were covered by collective agreements that contained some form of union dues check-off clause.

Despite the high incidence of inclusion of the Rand formula in Canadian collective agreements, a specific dues check-off provision is still absent from the legislation of four provinces: Alberta, New Brunswick, Nova Scotia and Prince Edward Island.[8] It is noteworthy that all provincial jurisdictions have legislation that requires an employer to deduct union dues from an employees wages at the written request of the employee.

The inclusion of a check-off clause in the *Code* was applauded by the labour movement, which had been lobbying government for such a provision for a number of years. They felt that since the statute required them to represent all employees in a bargaining unit, it was only fair that all employees should contribute to the cost of negotiating and administering the collective agreement. The only exception to this principle is an exemption on religious or conscientious grounds. Examples are recognized in the federal jurisdiction and five of the provinces (British Columbia, Alberta, Manitoba, Saskatchewan and Ontario).[9]

Employers objected to the 1984 amendment on the grounds that increased administrative costs would be incurred. They also supported the conviction of various individuals and right-wing groups that the imposition of a mandatory dues check-off was in violation of the Charter's guarantee of freedoms of expression and association. The 1986 Supreme Court of Canada decision in *Lavigne v. Ontario Public Service Employees Union* conclusively ended this debate.[10]

In the *Lavigne* case, a majority (four of seven judges) held that the Rand formula was not inconsistent with the Charter's guarantees of freedom of association and expression. While the minority did view the formula as an infringement upon the guarantee of free association, it found that this infringement could be justified as a reasonable limit under section 1.

The 1999 Reforms

The 1999 *Code* changes represented the largest single reform of labour legislation undertaken by the Canadian government since 1972, the full effects of which remain to be seen. Like the Woods Report's influence on the 1972 *Code* changes, the 1996 Sims Task Force Report, entitled *Seeking a Balance*, had a substantial impact on the content of the 1999 amendments. Following is a general summary of the major *Code* changes that came into effect on January 1, 1999.

Administration

- A representational Canada Industrial Relations Board was established, composed of a neutral chairperson and vice-chairpersons, and equal numbers of members representing employers and employees. This replaced the non-representational Canada Labour Relations Board.

- The Board has greater flexibility to deal quickly with routine or urgent matters; for example, a single vice-chairperson is now able to determine most matters, rather than the previously required three-member panel.

- The Board's powers were clarified and extended to ensure that complex industrial relations issues, such as those arising from the review of bargaining units or sales of business, can be fully addressed.

- The role of the Federal Mediation and Conciliation Service was entrenched in statute and a direct reporting relationship was established between the head of the Federal Mediation and Conciliation Service and the Minister of Labour.

- Grievance arbitrators were granted a number of procedural powers, including the right to interpret and apply other employment related statutes.

Representation and Successor Rights

- The right of employers to communicate with employees, subject to normal restrictions on unfair labour practices was explicitly recognized.

- The Board may now remedy serious unfair labour practices committed by an employer by certifying an applicant trade union, despite lack of evidence of majority support from employees, if the Board is of the opinion that, in the absence of the unfair labour practices, the union would have had such support.

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[8] The British Columbia clause is only in effect for the first agreement; anything thereafter must be negotiated at the collective bargaining table.

[9] For a description and analysis of religious exemption clauses, see Adams (2000) and Snyder (1999).

[10] For a detailed analysis of the *Lavigne* case and its possible effects on labour law in Canada, see Carter (1992).

- The process of reviewing bargaining unit configurations was improved.

- Successor rights apply where, as a result of a sale or a change of activities, a provincial undertaking becomes subject to the *Code*.

- An employer succeeding another as the provider of pre-board security screening services to the air transport industry is required to pay employees performing those services remuneration equivalent to that which the employees of the previous contractor were entitled to receive under the terms of a collective agreement. The Governor in Council, by regulation, may make this requirement applicable to other services and industries.

- The Board has the discretion to give an authorized representative of a trade union a list of the names and address of employees who normally work away from the employer's premises and to authorize communications with those employees. The order must specify conditions necessary to protect the privacy and security of off-site workers. There is a statutory prohibition against the use of this information for other purposes.

Voluntary Multi-Employer Bargaining and Geographic Certification in the Longshoring Industry

- Where a voluntary employers' organization has been designated as bargaining agent by the Board, the organization may request the inclusion of additional employers to become members of the organization.

- The right of one or more employers active in the longshoring industry and covered by a geographic certification to apply to the Board to change an employer representative, is expressly recognized in the *Code*.

- Where the Board has designated an employer representative in the longshoring sector, all employers active in the port may be required to remit their share of the costs incurred by the employer representative in fulfilling its duties and responsibilities under the *Code* and under the terms of the collective agreement.

Bargaining Cycle

- The period for giving notice to bargain was extended to four months, from three, prior to the expiry of an agreement.

- The Minister's ability to impose multiple stages of conciliation was replaced by a single-stage process to take no more than 60 days unless the parties agree to a longer period.

- The right to strike or lockout is subject to the holding of a secret-ballot strike vote (or in the case of an employers' association, a lockout vote) within the previous 60 days, or such longer period as may be agreed to by the parties in writing. Also, the providing of a 72-hour advance notice of intent to strike or lockout is required.

- The right of the parties to agree to submit collective bargaining disputes to any form of binding settlement is expressly recognized.

- A collective agreement resulting from the imposition of first agreement may have a term of up to two years, as opposed to the previous maximum of one year.

Rights and Obligations During a Legal Work Stoppage

- There is no general prohibition on the use of replacement workers during a legal strike or lockout. However, the use of replacement workers for the demonstrated purpose of undermining a union's representational capacity, rather than the pursuit of legitimate bargaining objectives, is an unfair labour practice. Where the Board determines a violation has occurred, it can order the employer to cease using replacements for the duration of the dispute. For purposes of clarity, additional words were added to this provision.

- The right of employees in the bargaining unit, who were on strike or locked out, to resume employment following a work stoppage in preference to any persons hired to replace them was confirmed. Previously this had been general practice, but the 1999 amendment entrenched it as law.

- Where there is no collective agreement in force, organized employees have access to arbitration for cases of discipline and dismissal. Applications for certification or decertification are not permitted during a work stoppage without the consent of the Board. Employees who were hired to replace employees in the bargaining unit on strike or locked out are not entitled to participate in any representation vote.

- Employees are entitled to maintain insurance and benefit programs during work stoppages.

Maintenance of Services

- Parties are required to maintain services necessary to prevent serious and immediate danger to public health or safety during a work stoppage; the parties or the Minister of Labour may ask the Board to make necessary determinations.

- In the event of a work stoppage involving other parties in port-related activities (including longshoring), services to grain vessels being loaded at licensed terminal or transfer elevators must be maintained. This addresses the vast majority of disruptions to grain exports at Canadian ports. Its effectiveness will be reviewed after the next round of bargaining, and stronger measures, such as those recommended by the West Coast Ports Industrial Inquiry Commission, could be taken if required.

- Maintenance of services may be re-assigned by the Board chairperson on terms and conditions designed to protect the rights and interests of the parties.

Conclusion

Labour legislation at the federal level has evolved to meet the emerging circumstances of the past 25 years. The key point regarding such legislative change is that the Canadian practice of leaving the process and direction of industrial relations in the hands of union, management and employees has remained intact. Legislation provides the framework for this process, and the process is undeniably more solid when change is accomplished via consultation with the involved parties rather than by jurisprudence.

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THE EVOLUTION AND DEVELOPMENT OF COLLECTIVE BARGAINING IN FEDERALLY REGULATED INDUSTRIES, 1975-2000

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There have been enormous changes in the collective bargaining environment over the past few decades. Corporate mergers have become a common event and there have been significant developments affecting the composition and organization of the labour movement.

This article will serve as a continuation of Dempster and Sanderson's 1975 contribution to the Labour Gazette 75th anniversary issue.[1] The objective of the article will be to trace the major trends that have affected collective bargaining in federally regulated industries over the past quarter century.

Interprovincial and International Trucking

The contribution of all transportation activities to gross domestic product has been steadily decreasing since the 1970s, from a little over 5.0 per cent during the 1970s to 4.5 per cent in 1994. Conversely, the contribution of the trucking sector has been growing during the past 25 years; in fact, the for-hire trucking industry's share of total transport activities expanded from 23 per cent in 1980 to 29 per cent in 1994. Thus, in real terms, the trucking industry has experienced growth over the past few decades.

In 1987, the *Motor Vehicle Transport Act* was passed, marking the first phase of deregulation of the industry. Licensing conditions were relaxed and it became easier to start a company engaged in highway transport. In 1989 alone, almost 10,000 licence applications were filed, the number stabilized at roughly 5,000 per year beginning in the early 1990s.

The 1989 Free Trade Agreement and the 1992 North American Free Trade Agreement initiated a new era of liberalized trade between Canada, the United States and Mexico. The combination of the free trade agreements and the deregulation of trucking has created numerous changes in the procedural and operational functions of the industry. Due to the dismantling of many trade barriers, the main shipping routes, which previously ran east-west, reformed to a north-south continuum. Since this change, the industry has experienced consistent yearly increases in the share of revenues generated from cross-border shipments.

While free trade has opened up new markets for Canadian trucking firms, it has also had a parallel effect for American truckers, who enjoy increased freedom of access to Canada. In 1989, 2,987 United States trucking firms held licences to operate in Canada; by 1994, this number had increased to 7,859. Yet the number of Canadian trucking bankruptcies from 1991 to 1995 consistently decreased; this would lead one to believe that market demand for trucking was increasing and Canadian firms were able to compete with the influx of American firms entering the Canadian market. The raw number of bankruptcies has increased in a non-linear fashion since 1995, but has yet to near 1991 levels.

The labour movement has had to endure and respond to the changing nature of the industry. On the employer side, some of the large bargaining associations, such as the Motor Transport Industrial Relations Bureau, have been disbanded, due in part to competitive pressures and industry restructuring. There were freezes and rollbacks in collective agreement provisions during the early 1990s, as companies reacted to the drastically changing market.

[1] Dempster, W.M. and George Sanderson. "Dedicated to Dispute Settlement." Labour Gazette, Anniversary Issue, 1975.

The decade also saw a rise in the number of owner operators, many of whom are independent contractors that employ load-brokers to find cargoes as opposed to working for one carrier exclusively. Such a scenario creates problems in gaining union recognition, because of the frequent changes in employers over fixed time periods. In response to this, some independent owner operators, especially in Quebec, have attempted to organize and bargain collectively for rates and conditions that govern their commercial relations with shippers. Their inability to achieve a collective voice has recently been compounded by fuel price increases that have exerted upward pressure on shipping rates. While some shippers and truckers have been successful in negotiating rates indexed to the price of fuel, the achievement of such agreements has predominantly been reserved for the larger trucking firms.

The most common form of non-organized collective action in response to recent fuel price increases has been the setting up of road blockades. Again in Quebec, a forum comprising industry stakeholders, under the auspices of the Commission of Transport, has been created to help deal with rising fuel prices and dwindling revenues. The forum has expressed a willingness to establish a commercial agreement to govern the contractual relationship between shippers and trucking firms; these discussions are currently ongoing.

Organized labour action in the trucking industry has been fairly stable over the past decade, with some variance in intensity and impact (in workers involved and person-days lost).

Railway Transportation

The first significant restructuring of collective bargaining in the railway industry during our 25-year reference period happened as a result of the formation of VIA Rail in 1977. VIA was formed from the passenger services of two national rail systems, the government-owned Canadian National Railway and the privately run Canadian Pacific Railway. It was thought that passenger service could be better managed, and provide increased return on investment, if the companies consolidated; Canadian National and Canadian Pacific could then concentrate on pursuing the more lucrative freight traffic.

During the late 1980s and early 1990s, the government cut operating subsidies to the railway sector in an effort to make the rail companies more self-sufficient and self-financing. The restriction of government funding exerted pressure on the collective bargaining process. The railways attempted to downsize staff despite the presence of previously negotiated job security provisions. Successive rounds of employee buy-outs resulted; the Rail industry had 35 per cent fewer employees in 1995 than it did in 1990.

The federal government began the privatization of Canadian National Railway in 1995, with provisions ensuring the retention of the bilingual nature of the company and requiring that Montréal continue to serve as the company's headquarters. During this period, Canadian Pacific Railway also restructured many of its operations, culminating in the relocation of its headquarters from Montréal to Calgary. These changes gave rise to acrimonious collective bargaining between union and management; a major issue was the nature of the buy-out packages that were offered to personnel who chose not to move to Calgary.

In the round of bargaining for renewal of collective agreements that expired in 1995, the major issue was employment security. When the parties were unable to reach a negotiated resolution, the government enacted back-to-work legislation. Under the resulting new agreements, employees were required to accept employment within a given geographic area in order to maintain their eligibility for the employment security plan; the geographic area was also expanded. Furthermore, employees hired on or after January 1, 1994, were deemed ineligible for employment security provisions, and the program no longer paid 100 per cent of earnings.

In 1996, changes were made to the *Canadian Transportation Act* leading to the creation of a number of shortline railways. Generally, when shortlines are created, collective agreements are simplified (e.g., many of the work rules are eliminated and provisions for gain-sharing are included).

More recently, Canadian National announced a proposed merger with the American-based Burlington Northern and Santa Fe Railway. The railway operates a large rail system throughout the continental United States; a merger with Canadian National would have provided synergistic operating possibilities for both companies. But the merger was contested by various industry parties in both Canada and the United States. In light of the external pressure, especially from United States firms, the two railways decided to terminate the proposal on July 20, 2000. The United States government has since introduced strict rules governing

possible mergers of this type. Canadian National and Canadian Pacific subsequently agreed to share their designated routes in Canada and the United States, increasing capacity and routes for each railway.

Industrial relations in the rail industry have undergone immense change over the past 25 years. The strict pattern of bargaining that has characterized the industry has become weakened and, although still in practice, is under threat from decentralization coupled with an increase in actors.

Telecommunications Industry

The telecommunications industry has been undergoing rapid change, facilitated by technological development and decisions of the Canadian Radio-Television and Telecommunications Commission, which plays a dominant role in shaping the structure and pace of change of the industry. Deregulation over the past two decades has resulted in the demise of many organizations, decreasing employment in telecommunications services from 170,000 jobs in 1980 to 105,000 in 1998.

The unionization rate is high, at 79.5 per cent, with a total of 71 certified bargaining units in the sector. The central issue for unionized workers is job security; in fact, during the first half of the 1990s, Bell Canada, BC Tel and Northern Telecom all downsized, resulting in a combined loss of 10,000 unionized jobs.

The most influential union in the industry is the Communications, Energy and Paperworkers Union of Canada, whose membership includes telephone company workers, broadcasters, graphic artists and computer programmers. The Union was formed in 1992 through a merger of three unions: the Communications Workers of Canada, the Oil, Atomic and Chemical Workers and the Papermakers. It has been growing steadily since its formation, with a current membership of around 150,000. Other unions in the telecommunications industry include the Canadian Telephone Employees Association, the Telecommunications Workers Union, the International Brotherhood of Electrical Workers and the Canadian Union of Public Employees.

As in the rail industry, telecom companies are also merging; BC Tel and TELUS Corporation (Alberta) merged their operations in 1999-2000. The Canada Industrial Relations Board issued a single-employer declaration, and the Telecommunications Workers Union was chosen in a run-off vote as the union to represent the single merged unit.

The communications industry is significantly affected by the rapid pace of technological change and convergence. New developments such as wireless phone systems, fibre optics and the Internet are likely to lead to a rapid evolution in both the nature of work and the industrial relations structure within this sector.

Air Transportation

The air transportation industry has experienced numerous mergers and reorganizations on both sides of the bargaining table during the past two decades.

Until 2000, there were two major national carriers, Air Canada and Canadian Airlines. The latter had been created through the mergers and acquisition of five predecessor airlines: Canadian Pacific Air Lines, Eastern Provincial Airways, Nordair, Pacific Western Airlines and Wardair.

Canadian Airlines experienced a number of financial difficulties and went through several restructuring exercises in an attempt to resolve various debt issues. In 1991, Canadian Regional Airlines Ltd., a wholly owned subsidiary of Canadian, was formed from a merger of three regional commuter airlines: Time Air, Ontario Express and InterCanadian; Canadian Regional was subsequently sold to private investors in 1998. Another restructuring agreement was concluded in 1994 involving employees, creditors and the AMR Corporation, the owners of American Airlines; this agreement fostered close corporate alliances between Canadian and American Airlines.

In 1996, operating losses at Canadian precipitated the announcement of another restructuring strategy aimed at improving profitability. Employees were again asked to grant concessions in light of the company's continued inability to become profitable. Canadian put forward a proposal to all of its bargaining units that included a 10 per cent wage reduction in conjunction with other concessions. All of the affected unions agreed, with the exception of the Canadian Auto Workers, which insisted that some form of examination or analysis was necessary in return for its co-operation. Transport Canada facilitated the Union's request and an airline industry committee was set up to report on the company and the industry as a whole; a report was submitted, but no consensus was reached.

Significant restructuring of operations also occurred at Air Canada during the late 1980s. On April 12, 1988, the sale of the government-owned national airline was announced, marking the beginning of privatization of the airline and the ending of its Crown corporation status; this privatization was complete by July 1989.

A decade later, due to continuing financial difficulties in the industry, the federal government temporarily suspended certain provisions of the *Competition Act* to enable discussions regarding industry restructuring. In August 1999, Onex Corporation made a proposal to acquire and merge Canadian Airlines and Air Canada. The proposal was subjected to court review and, in light of statutory ownership restrictions, Onex withdrew its offer. Air Canada subsequently submitted a proposal to buy Canadian Airlines, which was accepted. At the time of writing, the merger of the two airlines is in progress.

On the union side, merger activity has been just as common. In November 1986, the Canadian Air Line Flight Attendants' Association, which had been the primary union representing flight attendants since the 1940s, joined the Canadian Union of Public Employees to form the Airline Division of that union.

In 1985, the Canadian Air Line Employees Association, which represented passenger and reservation agents of Air Canada and other airlines, voted to join what is now the Canadian Auto Workers. Shortly thereafter, a group of similar workers at Canadian Airlines voted to join the union.

The breakaway of the Air Canada pilots from the Canadian Air Line Pilots Association to form the Air Canada Pilots Association, as well as Canadian Air Line Pilots Association's merger with the Air Line Pilots Association, has created some industrial relations friction in light of the recent merger of Air Canada and Canadian; problems regarding pay and seniority rights remain to be worked out. In addition, there is a continuing activity before the Canada Industrial Relations Board involving pilots and the various regional airlines.

Canada Post Corporation

Until 1981, the postal service was a government department; in that year it was dissolved to become a Crown corporation. When it was a government department, industrial relations were governed by the *Public Service Staff Relations Act*; as a Crown corporation, it became subject to the *Canada Labour Code*.

In 1975, the Council of Postal Unions was decertified by the Public Service Staff Relations Board and replaced by the Letter Carriers' Union of Canada and the Canadian Union of Postal Workers. That same year, following a 42-day strike, the first collective agreement was reached between the Post Office and the union. The terms of the settlement included numerous precedent-setting provisions, among them a cost-of-living clause that provided for payments beyond the term of the collective agreement, a technological change clause and a provision stipulating a premium for weekend work (the first in the public service).

The 1978 round of collective bargaining was referred to a conciliation board. Parliament enacted Bill C-45, *An Act to provide for the Continuation of Regular Postal Service Operations*, in April of that year. The *Act* provided that Canadian Union of Postal Workers would not have the right to strike if the House of Commons was dissolved on or before the date on which the conciliation board filed its report; this essentially averted any strike action for the summer of 1978. The conciliator's report was released in October 1978 and was not accepted by either the union or the government; the central issues were technological change, the use of casual workers and wages. The union called for a national strike to begin on October 17. In response, Parliament passed the *Postal Services Continuation Act* the same day, effectively legislating the postal workers back to work and stipulating dispute resolution via the mediation-arbitration process. Defiance of the legislation was frequent, as a number of short work stoppages occurred at various Post Office locations. In April of 1979, a binding, one-year minimum agreement was issued. The final wage settlement was lower than what the conciliation board had proposed, and the Post Office also regained the right of individual work measurement. In the ensuing years, a number of studies were commissioned to consider the feasibility of transforming the Post Office into a Crown corporation to permit operations to be placed on a more commercial footing.

In 1981, collective bargaining between the Treasury Board and the Canadian Union of Postal Workers broke down and a six-week strike commenced on June 30. A mediated settlement was eventually reached. On

October 16, 1981, the *Canada Post Corporation Act* was proclaimed, establishing the former Post Office department as a Crown corporation, the Canada Post Corporation. All existing collective agreements were transferred to the new corporation. However, in July of 1982, the *Public Sector Compensation Restraint Act* came into effect. Canada Post Corporation and Canadian Union of Postal Workers were subject to its provisions, delaying the second year of the collective agreements and limiting negotiated wage increases for three years.

In May of 1985, Canada Post Corporation asked the Canadian Labour Relations Board to conduct a comprehensive review of its bargaining units, with the intent of rationalizing the bargaining structure. The Board decided that a restructuring of the bargaining units would be beneficial from an industrial relations perspective. When the unions affected (Canadian Union of Postal Workers and the Letter Carriers' Union of Canada) failed to voluntarily agree to a merger, a vote of the employees was held. In 1989, the Postal Workers emerged as the Union representing both inside and outside postal workers.

The relationship between Canada Post and the Canadian Union of Postal Workers has remained tumultuous. Parliament has passed emergency legislation to end or prevent a work stoppage on three occasions since the corporation was created: in 1987, 1992 and 1997. During this period, substantial changes have taken place within the postal service: the creation of private sector postal franchises; private sector delivery of non-addressed ("junk") mail and flyers; the evolution of e-mail and the Internet as a substitute for first-class letters; the growth in the number of fax machines and in the use of electronic funds transfers and automated bill payment systems; the decline in door-to-door delivery; and the increasing use of private sector courier services for urgent business deliveries.

Longshore Industry

The experience of parties to the collective bargaining process in longshoring has varied amongst the different regions of Canada. While west coast ports have endured numerous work stoppages and incidences of government ad hoc legislation over the past quarter century, industrial relations at other Canadian ports have been relatively stable during this time period. Reasons for this disparity stem from the different bargaining structures in place in the different regions, the various unions representing workers and, for many years, the presence of the "grain bargaining chip" for the International Longshoremen and Warehouse Union at the West Coast ports.

On the West Coast, the union represents all dock workers. There are two employers organizations, the British Columbia Maritime Employers Association and the Waterfront Foremen Employers Association. The negative industrial relations climate that has permeated the West Coast ports has been driven by labour clashes between the Maritime Employers and the union. The Waterfront Foremen Employers and the union bargain immediately after the Maritime Employers agreements are finalized; past practice has revealed that the Waterfront Employers and the union always reach a direct bargaining agreement that mirrors the preceding Maritime Employers deal, the exception being a multiplication of the industry standard wage by a 4/3 factor.

Over the past 25 years, government has enacted back-to-work legislation directed at the West Coast ports on five occasions. The government-commissioned Report of the Industrial Inquiry Commission into Industrial Relations at the West Coast Ports, 1995 suggested that the West Coast ports have been characterized by years of "surface bargaining," in which bargaining took place with no intent of actually concluding a collective agreement. Rather, the ability of either party to halt grain shipments stalled negotiations, as both parties knew that a work stoppage would lead to speedy intervention by Parliament. Changes made to the *Canada Labour Code* in 1999, particularly s.87.7(1) ensuring the continuation of grain operations in the event of a longshoring dispute, may have the effect of inducing more serious bargaining between the parties because the trump card of halting all grain handling has been removed.

The comparatively peaceful East Coast ports have undergone some structural changes over the past decade that could affect the bargaining relationships between the unions and employers in the future. On January 1, 1997, employers at the Port of Halifax broke away from the Maritime Employers Association, which traditionally controlled operations at all ports on the East Coast, to form the Halifax Employers Association. The same situation occurred in the Port of Saint John, with the formation of the Saint John Employers Association. The Maritime Employers Association split was predominantly due to a perception by the Atlantic Canadian ports that the Association was channelling increased container traffic to the Port of Montréal and other cargo to the Port of Quebec City.

With regard to organized labour structures on the East Coast, the International Longshoremen's Association, which had previously represented all maritime ports, was decertified at many Quebec ports. These employees are now represented by the Canadian Union of Public Employees; longshoremen in the ports of Halifax and Saint John continue to be represented by the Association.

To conclude, then, the structure of both employers and organized labour at the East Coast ports has changed substantially over the past 10 years; the effects of this restructuring remain to be seen.

Conclusion

Federal jurisdiction over collective bargaining is relatively limited, applying to less than 10 per cent of the Canadian labour force. However, the industries that are subject to the *Canada Labour Code* tend to be those that are vital to the national interest. In recent years, the federal government's policy of privatizing work previously done by public servants, for example air navigation systems and local airports, has further reinforced the need for constructive collective bargaining relationships in industries governed by the *Code*. The increasing reliance on ad hoc parliamentary intervention to deal with disputes that are hurting the public interest has also demonstrated the need for a more measured approach to collective bargaining and the development of improved practices.

In January 1999, a number of amendments were made to Part I of the *Canada Labour Code*, with the objective of improving the collective bargaining regime within the federal jurisdiction. These amendments, coupled with the preventive mediation program initiated by the Federal Mediation and Conciliation Service of the Labour Program earlier in the decade, are evidence of the Government of Canada's continuing support for improved collective bargaining. The onus is now on labour and management to jointly and separately accept responsibility to develop collective bargaining relations and practices that will ensure a just share of the fruits of progress for all.

Federal Mediation and Conciliation Services, Labour Program,
Human Resources Development Canada.

Telephone: (819) 994-5470; 1-800-563-5677
Web site: http://labour-travail.hrdc.gc.ca/doc/lab-trav/eng/

OCCUPATIONAL HEALTH AND SAFETY – A CENTURY OF PROGRESS

Baily Seshagiri
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Labour Program, Human Resources Development Canada

Lest we forgot

Q **What is your age?**
A *I am seventeen.*

Q **I see that you have lost one of your arms.**
A *Yes; my right arm.*

Q **How did that occur?**
A *It was an accident in the saw mill.*

Q **How old were you then?**
A *Between eleven and twelve years of age.*

Q **What were you getting at the time you worked there?**
A *I was only getting 25 cents a day.*

Q **Do you know of any other boys having received accidents?**
A *Yes; about two months after a boy was working in the mill, where I was, and he got both his legs and arms taken off.*

Q **How old was the boy when he met with the accident?**
A *He was the same age as I was.*

***Royal Commission on the Relations of Capital and Labour in Canada,* 1886, Ontario Evidence**

"In the early morning of May 9, 1992 a violent explosion rocked the tiny community of Plymouth, just east of Stellarton, in Pictou County, Nova Scotia. The explosion occurred in the depths of the Westray coal mine, instantly killing miners working there at the time."

"The *Westray Story* is a complex mosaic of actions, omissions, mistakes, incompetence, apathy, cynicism, stupidity and neglect."

***The Westray Story*, Westray Mine Public Inquiry, 1997**

Introduction

The field of occupational health and safety encompasses a multitude of disciplines including occupational medicine, toxicology, epidemiology, engineering, chemistry, physics, psychology and so on. Several Canadian universities offer multi-disciplinary programmes in occupational safety and health up to the graduate level. Many countries have established major research organizations devoted to the study of safety and health, the most prestigious one being the National Institute for Occupational Safety and Health in the United States. The International Labour Organization, which is an agency of the United Nations, has been actively involved in addressing occupational and safety health issues on a global level since its inception at the end of World War I. Canada was one of the founding members of the International Labour Organization. Our federal government, in cooperation with the provinces, employer groups and trade unions, has established the Canadian Centre for Occupational Safety and Health in Hamilton, Ontario, to collect and disseminate information on safety and health matters. They are one of the leaders in this field, with a worldwide reputation. Every province and territory has legislation protecting the safety and health of workers. There is a plethora of journals and trade magazines that address every aspect of occupational safety and health.

Although the words "safety" and "health" are almost always used conjointly and synonymously, they do have different meanings to an occupational safety and health professional. In general, when a worker's safety is compromised, there is a risk that he or she could be traumatically injured. For example, a few years ago, at Mirabel Airport in Montréal, a Boeing 747 was being de-iced with the engines running. The pilot, believing that the de-icing was completed, started moving away from the de-icing area. In the process, he overturned the two de-icing trucks (cherry pickers), which were still de-icing the tail of the aircraft, dragging the three workers who were in the baskets to their death. A truck driver in Hamilton, Ontario, went to pick up a trailer that was supposedly empty. He opened the trailer door to check and, being nighttime, used a

match to verify that it was indeed empty. The trailer exploded, and the driver was killed. The trailer had been used to transport some other material earlier and had not been properly ventilated. Explosive vapours had collected inside the trailer and, of course, the lit match ignited an explosion. These are instances where the worker's safety was put in jeopardy.

The term "Occupational Health" is generally associated with the risk of exposure to some chemical, physical, or biological agent at levels well below those likely to cause immediate and catastrophic damage to health, but which nevertheless could result in a variety of adverse outcomes ranging from headaches, central nervous system depression, illnesses, hearing loss, cancer, chronic low back pain, carpal tunnel syndrome, etc. Some of these outcomes could manifest themselves very soon after exposure to the agent, for example, headaches resulting from exposure to relatively low concentrations of carbon monoxide. In other cases, such as exposure to asbestos resulting in cancer or exposure to high noise levels causing hearing damage, it might take many years before symptoms are detected.

Historical Perspective

International Activity

There is documented evidence, that even as far back as the 4th century BC, there was an awareness that workers in certain occupations were likely to develop illnesses as a result of exposure to specific substances. Lead toxicity in the mining industry was recognized and recorded by Hippocrates. About 500 years later, Pliny the Elder, a Roman naturalist, refers to the use of "bladders" as respiratory protection against inhalation of dust containing lead. Galen, a Greek anatomist, recognized the dangers of acid mists to copper miners. In the 15th century. Ulrich Ellenbog, a German, published a pamphlet outlining conditions in the metal working professions that were estimated to be damaging to the workers' health. He also provided suggestions on how to improve those conditions. Another German scholar, Georgius Agricola, a mineralogist and metallurgist, in his treatise *De Re Metallica* written in 1556, discusses the hazards of working in the 16th century mining center of Joachimsthal in Czechoslovakia. He mentions the onset of respiratory diseases (now recognized as silicosis), as a result of inhalation of dust containing crystalline silica or quartz. He suggests improvements in mine ventilation. He notes that some women in that region were married as many as seven times, since each husband succumbed to that disease. Philippus Paracelsus, a 16th century Swiss alchemist and physician, who worked in Tyrol as a mining and smelting laborer for 10 years, also wrote a treatise on occupational diseases of the miners.

Generally accepted as the first inclusive treatise on occupational diseases was *De morbis artificum diatriba* (1700, translated "Diseases of Workers"), by Bernardo Ramazzini, an Italian physician and professor of medicine. This book describes silicosis in pathological terms and provides some "cautions" which, if followed, would reduce the risks. These "cautions" were ignored for centuries.

In the 18th century, many notable physicians correlated diseases with specific occupations. Percival Pott, a noted British surgeon recognized that chimney soot was one of the causes of scrotal cancer. His efforts led to the passage of the "*Chimney-Sweepers Act* of 1788" by the British Parliament. The systematic study of industrial medicine began in Great Britain during the industrial revolution. Charles Turner Thackrah (1795-1833) was a physician who, in 1831, published a book called *The Effects of the Principal Arts, Trades and Professions, and of Civic States and Habits of Living, on Health and Longevity, with Suggestions for the Removal of Many of the Agents which Produce Disease and Shorten the Duration of Life*. This book was extremely important in stimulating factory and health legislation that mitigated some of the worst features of the industrial revolution. Among the most important issues discussed by Thackrah were those concerned with chronic lead poisoning among house painters and potters making glazed ware. Thackrah made specific recommendations for the elimination of lead poisoning from the glazing and pottery industry. This issue has not gone away in spite of the intervening 169 years. There is documented evidence that, even to this day, contaminated pottery is a source of lead in children in Mexico City.

Prior to 1800, there was very little societal concern for actually protecting the health of the worker. English common law based on the relationship between a "master" and "servant" was all that existed to look after the interests of workers. The *Factory Acts* of 1833 passed by Britain was the first piece of legislation in the Western world to address the interests of working people. The *Act* provided for the appointment of inspectors and levied substantial fines for contraventions. It banned all night work for children under 18 years of age and raised the minimum working age to 13 years. During the period from 1840 to 1880, several pieces of legislation were passed in an attempt to control mechanical hazards. For example, the

British Factories Act of 1864 prescribed ventilation for every factory. Another act passed in 1878 required exhaust ventilation by means of fans for the removal of dust likely to be injurious to health. The *Factory Act* of 1901 consolidated previous requirements with respect to safety and health and provided for the making of regulations or orders to control dangerous trades.

"A Hungarian, 36 years old, worked for seven years grinding lead paint. During this time he had three attacks of colic, with vomiting and headache. I saw him in the hospital, a skeleton of a man, looking almost twice his age, his limbs soft and flabby, his muscles wasted. He was extremely emaciated, his color was a dirty grayish yellow, his eyes dull and expressionless...."

***Exploring the Dangerous Trades*, Alice Hamilton, 1920s.**

In the United States, the Office of Industrial Hygiene and Sanitation was established in 1914. However, even as late as the end of the 1960s, there was no major thrust towards enacting occupational safety and health legislation. In 1969, the *Coal Mine Health and Safety Act* was passed which led to the creation of the Mine Safety and Health Administration, and in 1970, the *Occupational Safety and Health Act* was passed, leading to the creation of the Occupational Safety and Health Administration within the Department of Labour, as well as the National Institute for Occupational Safety and Health.

Occupational Health and Safety in Canada

Ontario led the way in enacting labour legislation which included specific references to safety and health. The *Thrashing Machines Act* (1874) required guards on certain machines to prevent injury to the persons working near them. The *Railway Accidents Act* (1881) required various measures for the safety of railway workers. The *Factories Act* (1881) required measures for machinery fencing, fire safety, sanitation and ventilation and was enforced by inspectors, etc. Similar legislation was also to be found in Quebec. Following the lead of Ontario and Quebec, factory laws were passed in all the other provinces as industry developed. The acts required factories to be kept in a sanitary condition, free from fumes, gases and dusts, with adequate heating, lighting and ventilation. They dealt with overcrowding and required guards to be placed on dangerous machinery or openings. The acts also laid down regulations concerning fire protection, elevator inspection and the reporting of accidents.

The first factory inspectors were appointed in the late 1880s in Ontario and Quebec. By 1910, all the provinces had at least one inspector. The first factory inspectors in Ontario and Quebec were also responsible for the inspection of boilers. Many boilers were situated in the basement of factories, immediately beneath crowded workrooms, and there were numerous instances of boilers exploding and causing a heavy loss of life. The work of these factory inspectors in identifying the causes of the explosions led to amendments to the *Factory Acts* to ensure a proper system of boiler inspection which continues to this day.

Q **Have you seen anyone beaten brutally?**
A *Sharp slaps right in the face.*

Q **Why?**
A *The party was sweeping and the foreman told him to pick up the tobacco leaves. The apprentice went on sweeping and did not pick them up. The foreman took him by the ear, bent him down to the ground and said to him: "why did you not pick up the tobacco?" It was a child, only 12 or 14 years old, and he did not reply. The foreman made him get up by slapping him in the face.*

***Royal Commission on the Relations of Capital and Labour in* Canada, 1886, Quebec Evidence**

The creation of a Royal Commission on the Relations of Capital and Labour in Canada by Sir John A. Macdonald on December 9, 1886, under the chairmanship of Judge James Armstrong of Sorel, Quebec, was the first step taken by the federal government to recognize the hardships and dangers faced by workers in the federal jurisdiction. In their report submitted in November 1887, the Commissioners made several specific recommendations regarding the safety and health of workers.

They recommended that the State provide through legislation for proper inspection of all vessels on the lakes and rivers of Canada; and further, that such vessels not be permitted to leave port unless found to be seaworthy, sufficiently manned with competent sailors, and provided with life-saving appliances.

At the turn of the 20th century, large steam engines and boilers were commonly used for the production of heat and power. This had led to a great increase in explosions and loss of life. The Commissioners recognized the danger in permitting unskilled men to operate large steam engines and boilers. They recommended that strict examination be made and certificates be issued to properly qualified persons. They also recommended frequent inspection of boilers by competent officials.

The Commissioners recognized the need for frequent and thorough inspection of factories, the need for stringent laws on safety matters, proper sanitary conditions in workplaces, machine guarding, etc. They noted that in some foreign countries workers had greatly benefited from provisions in *Factory Acts* requiring the regular inspection of temporary structures and appliances, such as scaffolds and derricks, and also of chains, tackle and other gear used in loading and unloading vessels. They strongly recommended the adoption of such requirements in Canadian acts. Many of their recommendations are as valid today as at the time of their drafting and, in fact, many of them are incorporated in present day Occupational Safety and Health legislation.

At the beginning of the 20th century, workers were compensated for sustaining injuries on the job only under very stringent conditions. There was no liability on the employer if it could be proved that the worker was solely to blame for the accident. The Royal Commission report noted that compensation should be "recoverable even in cases where negligence on the part of the employer or his agents, or defect in machinery, has not caused the accident."

The Commission heard from many railway employees about the danger of work on the railways. They noted that even though it was an inherently dangerous occupation much could still be done to diminish the risk of accident and death.

Q **Did you lose your arm and leg in the same accident?**
A *Yes sir; I fell in a hole, and the axle of the wheel crushed my arm and leg.*

Q **How old were you?**
A *Twelve years - going on thirteen.*

***Royal Commission on the Relations of Capital and Labour in Canada*, 1886, Ontario Evidence**

Their most poignant comment concerned the use of child labour, which was still prevalent at that time. They noted:

> *"The darkest pages in the testimony which follows are those recording the beating and imprisonment of children employed in factories. Your Commissioners earnestly hope that these barbarous practices may be removed, and such treatment be made a penal offence...."*

Finally, the Royal Commission recommended the creation of a Labour Bureau under the administration of one of the Ministers of the Crown, with the mandate to collect information and statistics on matters related to "labour and capital". In their view, such an office would enable working people to make their needs and desires known to the government. The government of the day did pass *An Act to provide for the collection and publishing of Labour Statistics,* but the Bureau was never established.

It was the Laurier government which, in 1900, established the Department of Labour under the *Conciliation Act*, and named William Lyon Mackenzie King as the first Deputy Minister of Labour, and editor of the *Labour Gazette*. Responsibility for the Department was placed with the Postmaster General, William Mulock. In 1909, the *Labour Department Act* was passed creating a separate Labour portfolio, and King became the first Minister of Labour. The *Gazette* reported in its 1904 edition that between 700 and 1,000 men were killed and between 2,000 and 3,000 seriously injured each year in Canada in industrial accidents. According to the Census of 1901, 299,000 persons were employed in manufacturing, out of a total population of 5.4 million. In 1996, 787 persons were fatally injured in workplace accidents out of a total of over 12 million employees.

In the decades leading up to the 1960s, the preoccupation of the Department of Labour was primarily industrial relations, with issues related to unionization and strikes being at the top of the agenda. There was one rather unusual exception. The Department was responsible for the internment programme of Canadians of Japanese ancestry during World War II.

The next major milestone in the history of occupational safety and health in the Canadian federal jurisdiction was the passage of the *Canada Labour* (Standards) *Code* in 1965, and the *Canada Labour* (Safety) *Code* in December 1966. The Safety Code, (which was to become Part IV of the consolidated *Canada Labour*

Code) addressed both safety and health risks by defining "employment injury" to include personal injury as well as disablement "caused by an industrial accident, occupational disease or employment hazard." It provided for the hiring of safety officers with specific powers to enter any property subject to the *Code* and conduct inspections, carry out tests, require employers to provide written statements about the conditions of work, etc. It authorized the officer to prohibit the use of specific equipment, if the officer determined that the use of such equipment would place the worker in imminent danger.

In 1974, the Government of Ontario issued a Commission to appoint Dr. James H. Ham "To investigate all matters related to health and safety involved in the working conditions and working environment in mines in Ontario." This was the birth of the famous "Royal Commission on the Health and Safety of Workers in Mines." It can be justly claimed that the Report of this Commission (also known as the Ham Commission Report), for the first time, enunciated the three fundamental rights of a worker which ultimately became the pillars of virtually all modern Canadian Occupational Safety and Health legislation. These are: the right to refuse dangerous work without suffering any penalties, the right to participate, and the right to know.

The right to refuse dangerous work became enshrined in federal legislation on September 1, 1978. Subsection 82.1 (1) of Part IV of the *Canada Labour Code* reads:

> "Where a person employed upon or in connection with the operation of any federal work or undertaking or business has reasonable cause to believe that:
>
> (a) the use or operation of a machine, device or thing would constitute an imminent danger to the safety or health of himself or another employee, or
>
> (b) a condition exists in any place that would constitute an imminent danger to his own safety or health,
>
> that person may refuse to use or operate the machine, device or thing or to work in that place."

A look at the Labour Operations Information System records showed that for the period 1995 to 2000, a total of 85 individual and 12 collective refusals to work had been registered and investigated across Canada. Undoubtedly, at the time this fundamental right was recognized in the *Code* there were some misgivings. Now, with nearly 20 years of experience in enforcing this section of the *Code*, it is clear that: (a) very few, if any, refusals to work have been of a frivolous nature; and (b) in the vast majority of cases, directions were issued to the employers to rectify some infraction of the *Code* and/or the *Canada Occupational Safety and Health Regulations*.

The second fundamental right that was recognized in the *Code* was the right of workers to participate in identifying and correcting job-related safety and health problems. This was accomplished by requiring the establishment of joint safety and health committees in which equal numbers of workers and management participated. This was first introduced in 1978, but it was not universal in its application. It behooved the Minister to instruct an employer to establish such a committee. However, the powers, responsibilities and limitations of such committees were clearly set out. Amendments to the *Code*, passed in 1986, made safety and health committees mandatory in workplaces with 20 or more employees. In smaller workplaces with between 5 and 19 employees it became necessary to have a safety and health representative.

Included with these major legislative initiatives was the passage of *The Canadian Centre for Occupational Health and Safety Act* in 1978, followed by the creation of the Centre in Hamilton, Ontario, with the specific mandate to assist all three stakeholders, namely employers, employees and regulators by collecting and disseminating information on all matters related to occupational safety and health.

Finally, the third fundamental right of workers, the right to know about known or foreseeable hazards in the workplace, was recognized in legislation on October 31, 1988, when the *Workplace Hazardous Material Information System*, better known as *WHMIS*, came into force across the country. This was indeed a triumph of federal/provincial/territorial cooperation on an occupational safety and health related matter. At the federal level, it required another federal department, namely Consumer and Corporate Affairs Canada to pass two separate acts and a regulation: the *Hazardous Products Act*, the *Hazardous Materials Information Review Act* and the *Controlled Products Regulation*. It also required the coordinated amendment of legislation by Labour Canada and every province and territory of Canada. This was no mean feat, considering the amount of detail that these acts, regulations and amendments entailed. The success of this enormous undertaking

was in no small measure due to the untiring efforts of Jim McLellan, then Director of the Occupational Safety and Health Branch of Labour Canada.

The *Hazardous Products Act* and the *Controled Products Regulation* set up a class of products called "Controlled Products," and suppliers of these products are required to provide safety and health information through proper labeling and material safety data sheets. Occupational Safety and Health acts and regulations in federal, provincial and territorial jurisdictions were amended to require employers to properly label products used in their workplaces, and provide workers easy access to the Material Safety Data Sheets.

With the passage of these three fundamental rights: the right to know, the right to participate, and the right to refuse dangerous work, the framework of what is known as the "Internal Responsibility System" was laid. In the 1970s there had been on-going debate about the escalating costs of workers compensation claims, the loss in productivity due to lost-time injuries at the workplace, and the enormous problem of enforcing Occupational Safety and Health legislation. There was also a growing realization among policy makers that without the active cooperation and participation of workers and management in controlling hazards in the workplace, these costs would continue to escalate. There just would not be sufficient resources for governments to inspect and monitor every workplace and minimize the risk from every hazard. The concept of "internal responsibility" was born and spread throughout the land, resulting in the promulgation of the legislation discussed above.

Since that period, governments have indeed relied more and more heavily on the employers and employees to look after their own affairs. There have been cutbacks of occupational safety and health professionals from the ranks of governments, privatization of laboratories, etc., and the message has been sent. Some would claim that the price of this non-interventionist policy has been too high. The report of the investigation into the Westray mine disaster had this to say:

> "It is abundantly clear that the provincial inspectorate used the concept of the internal responsibility system to divert attention from its own responsibilities. It is not clear whether this was done as a matter of practice or after the fact to justify many of the deficiencies of the inspectorate".

The incidence of fatalities in Canadian industries during the period 1965 to 1996 has fallen substantially. However, as seen in the graph below, the number of fatalities has levelled off at about 6.5 per 100,000 workers.

Sources: 1965-1974 – Occupational Health in Canada, September 1976;
1970-1996 – Occupational Injuries and their Cost, 1993-1997.

According to an International Labour Organization report published in 1998, Sweden had a fatality incidence rate of 2.1 per 100,000 workers. The United States Bureau of Labour Statistics reports a fatality incidence rate of about 4.47 per 100,000 workers in their 1999 census. Obviously, the issue of government intervention and its effect on the health and safety risk of a worker is very complex, and merely increasing the number of inspections will not reduce that risk. On the other hand, placing all the eggs in the internal responsibility system basket, and intervening only when an incident occurs is not likely to be without adverse consequences, as the Westray explosion has amply proven. Some policy makers appear to suggest that since the three fundamental rights (the right to know, the right to participate, and the right to refuse dangerous work) have been enshrined in Occupational Safety and Health legislation, the "ultimate responsibility" for safety and health rests with the worker. Such suggestions should be firmly rejected. The responsibility for a worker's safety and health rests with all the stakeholders: employers, employees and the government. Perhaps it should go even beyond that, and all of society should be concerned. A society that values and respects "labour" cannot tolerate putting the health and safety of its workers at unnecessary risk. In a society where labour is "cheap," workers become expendable.

Current Status

Under the stewardship of the Labour Minister, the Honourable Claudette Bradshaw, the latest amendments to Part II of the *Canada Labour Code* were passed by Parliament and received Royal Assent on June 29, 2000. The amendments came into force on September 30, 2000. Part II of the *Code* has been almost completely re-written to reflect the modern realities of the workplace and to ensure that this instrument will continue to be used effectively well into the current century. The amendments, which were introduced as Bill C-12 on October 28, 1999, create a better balance between the role of government and that of employers and employees and reflect changes in the workplace, such as advances in technology, that have a bearing on employees' health and safety. "This legislation is the result of consultations with both federally regulated employer and employee associations," said Minister Bradshaw.

The amendments to Part II of the *Code* expand the role of workplace health and safety committees. The committees will continue to inspect their workplaces regularly, but now they will have the added responsibility of investigating and resolving complaints. This will improve efficiency in the workplace by reducing the need for direct government intervention. If the parties cannot come to an agreement, a government health and safety officer may intervene.

Only three per cent of federally regulated industries employ 300 or more persons but they account for over 85 per cent of the federally regulated work force. These employers will have to establish corporate-level Policy Health and Safety Committees that will be involved in the development of programmes related to occupational safety and health. Such programmes will provide guidelines for action at the local level. The establishment of these committees at the corporate level ensures that health and safety concerns are addressed by upper management.

The amendments also streamline the complaint resolution process by establishing an internal system that strengthens and clarifies the rights of both employers and employees. The special rights of pregnant and nursing employees have been recognized. Women, who believe their workplace presents a danger to their foetus or in the case of nursing mothers, their baby, will have the right to remove themselves from the activity without loss of pay or benefits.

At the international level, Canada is a signatory to the North American Agreement on Labour Cooperation, along with the United States and Mexico, as part of the North American Free Trade Agreement. The Agreement includes 11 labour principles which the three countries have pledged to uphold. One of these principles is to prevent occupational injuries and illnesses by prescribing and implementing appropriate standards. Canada has also entered into a similar agreement with Chile on a bilateral basis. Since these agreements are relatively new, a good deal of dialogue and information-exchange is taking place. They feature an annual Cooperative Work Programme consisting of conferences, seminars, workshops, and other fora for information-exchange. The agreements make clear that, while the parties are committed to the labour principles stated in them, it is up to each country to determine how this commitment will be demonstrated. The agreements allow each country to raise issues and consult on any concerns that it may have regarding the enforcement of legislation. In the last five years, seminars have been held on the petrochemical, construction, mining and electronics industries. Each year Canada, Mexico and the United

States organize the North American Occupational Safety and Health Week to focus attention on workplace safety and health issues. Throughout the week government, labour and business organizations sponsor events of various kinds to highlight the importance of safe work practices. Under the terms of the Agreement, Canada has taken part in the inspection of specific worksites in Mexico in order to verify whether appropriate safety and health standards were being followed.

The Next Decade

When Bill C-12 (Amendments to Revise Part II of the *Canada Labour Code*) was before a Standing Senate Committee, Minister Bradshaw had this to say:

> "While occupational health and safety legislation has been around for a long time, Part II of the *Canada Labour Code* is only 30 years old. In those 30 years, enormous changes have taken place in our society. Thirty years ago, no one spoke of the information age. Thirty years ago, no one talked about the global economy. And 30 years ago, ergonomics was an esoteric term that seemed to have little relevance to the daily realities of the average office employee. In fact, even in 1985, which was the last time that amendments were made to Part II of the *Code*, those words and phrases carried much less significance than they do now. Since that time we have moved at a rapid rate, emerging from the Industrial Age into the Information Age."

According to Statistics Canada, service-sector employment at the beginning of the 1970s accounted for about 4.8 million employees, or about 62 per cent of the total workforce at that time. In 1999, 10.7 million persons were employed in this sector, or about 73 per cent of the total workforce. This sector includes the retail and wholesale trades, health and social services, and education. Manufacturing and construction have lost ground. In 1994, there were 3.5 million more jobs in Canada than in 1976. However, only 2 per cent of the job growth was in the goods producing sector and 55 per cent was in the service sector. In 1997, labour union membership fell to under 3.9 million workers or about 35 per cent of the workforce. The major cause was a decrease in male union members triggered by the loss of jobs in manufacturing.

Aleck Ostry, an epidemiologist in the Department of Health Care and Epidemiology at the University of British Columbia, has looked at the results of this shift in employment patterns. He has used economic and employment data for British Columbia in order to better understand historical trends in the epidemiology of industrial disease and injury. He found that, in the 1950s, for every 100 workers in the forestry sector there were 75 service workers. By the 1960s, there were roughly equal numbers of workers in the forestry and the service sectors. In the 1990s, there were 400 service workers for every 100 forestry workers. The gender shift in the composition of the British Columbia workforce has been equally striking. In 1956, one in four working-age females was in the labour force. By 1979, 50 per cent of women of working age were in the labour force; by 1996, the number had grown to about 60 per cent.

The death rate reported by the British Columbia Workers Compensation Board fell steadily from 67.3 per 100,000 Workers Compensation Board-insured workers in the period 1950-1959, to 14.0 for the period 1990-1996. At the same time, the ratio of forestry to service-sector claims also fell steadily. In 1950, for every four service-sector claims there were six forestry claims. By 1996, for every two forestry claims there were eight service-sector claims. Obviously, the decline in the number of workers in the forestry sector would explain a significant part of the decrease in the fatality rate. But there is no questioning the huge increase in claims coming from the service sector.

The changes in the pattern of employment have resulted in dramatic changes in the types of injuries for which claims were made. From 1952 to about 1970, yearly claims for injury from impact were relatively constant at about 820. For the same period, the yearly claims for injury from strain was about 100. During the decade from 1970 to 1980, the impact injury claims fell and the strain injury claims rose until they were about equal (450 claims each in 1979) and then in the decade following that, claims for strain injury overtook the claims for impact injury. In 1996, there were about 300 claims for injury from impact and about 500 for injury from strain. In this context, strain includes back strain, overexertion, strains and sprains. These injuries are more commonly reported by workers in the service sector industries. Impact refers to injuries caused by being caught in or between objects, falls, striking against or stepping on objects, struck by objects, and slips. These injuries are more commonly reported by workers in the forestry industries.

Similar trends could be observed in the patterns of industrial disease claims accepted by the British Columbia Workers Compensation Board. In the 1960s, dermatitis was the largest single category of accepted industrial disease claims, accounting for nearly 41 per cent of all claims. This was followed by claims for repetitive strain injuries representing 26 per cent of all claims. By the 1970s, claims for repetitive strain injuries had increased to 35 per cent, and in the 1990s, it had shot up to 55 per cent of all claims. The increase was mainly due to claims for bursitis, tenosynovitis and carpal tunnel syndrome.

This pattern is not unique to British Columbia. These changes have occurred in most of the developed countries. Data from the United Kingdom Office for National Statistics, shows that the proportion of people employed in manufacturing began to decline along with the increase in employment in the service sector industries. With the growth in the service sector there has been a general increase in demand for non-manual labour, and a corresponding decline in demand for manual labour. There has been a dramatic increase in the number of women in the labour force. The ratio of men to women in the labour force was about 2.5 at the beginning of the 20th century. There was a gradual decline in this ratio and in 1961 it was about 2. In other words, there were twice as many men as women in the labour force. From 1961 onwards there has been a dramatic downward trend in the ratio, and in 1991 it was about 1.4. It stood at 1.3 in 1997. The ratio of men to women in the general population was slightly below 1 in 1901, and since 1961 it has been 1.0.

The Health and Safety Executive in the United Kingdom carried out a Survey of Self-reported Work-related Illness in 1995. The main results were as follows:

- approximately 2 million people in Great Britain self-reported work-related illness; and
- the main categories of illness were musculoskeletal disorders (estimated at 1.2 million), stress, depression or anxiety (279,000) and other stress-ascribed disease (254,000).

The more traditional occupational illnesses such as respiratory diseases, noise-induced hearing loss, etc., were reported in much smaller numbers.

Along with these profound changes in employment patterns, the more recent phenomena of globalization and the changing nature of the workplace caused by massive reorganization and restructuring throughout the industrialized world could have a significant influence on the nature and extent of occupational illnesses and injuries. The European Agency for Safety and Health at Work, which was set up in 1994 by the European Union, has been examining these issues. Towards the end of 1998, they sponsored a conference on the topic of "Changing World of Work" in Bilbao, Spain. In the summary of the proceedings, it is noted that, due to the ever-higher proportion of workers employed in the service sector, new safety and health issues are emerging which could potentially have very serious consequences, particularly from the point of view of workers compensation. An increasing component of work in the service sector involves inter-personal contact – employees with clients, customers, patients, etc. – which could lead to increased stress and even violence at work. Ergonomic problems are becoming more prevalent. There is a shift away from the traditional concepts of work towards new forms such as telework, self-employment, subcontracting, temporary employment, etc. The consequences of these new enterprise structures have been examined by Richard Clifton of the United Kingdom Health and Safety Executive. It could lead to situations where a large number of subcontractors are working on a project leading to a greater potential for lack of coordination and increased safety and health problems. Small enterprises, which Clifton calls micro firms, could have a different set of problems. In the United Kingdom, such firms have a higher rate of accidents. They lack the expertise and know-how of larger companies and because of the competitive nature of the current market, safety and health issues are the last thing on their minds.

The development of new technologies has resulted in increased integration and globalization of work, so that national solutions become increasingly dependent on international conditions. These effects could have both positive and negative outcomes. For example, multi-national companies with manufacturing plants in underdeveloped countries are more likely to adhere to international standards for occupational safety and health, even though local norms might be less stringent or perhaps nonexistent. On the other hand, globalization has also meant increased marketing of substances, such as asbestos, in underdeveloped countries which can least afford the kinds of precautions necessary to prevent occupational diseases.

In light of these profound changes in the workplace that have taken place over the last two decades, the research agenda of various countries has come under

scrutiny. According to Malcolm Harrington of the Institute of Occupational Health, Birmingham, United Kingdom, musculoskeletal disorders will need the most attention, with the focus on work-related upper limb disorders and back problems. Another priority, according to Harrington, is the psychosocial aspects of the workplace, with emphasis on occupational stress.

In April 1996, the National Institute for Occupational Safety and Health unveiled the National Occupational Research Agenda which was meant to guide occupational safety and health research agenda into the next decade. The creators of the Agenda recognized that traditional manufacturing and goods-producing industries would continue to extort a toll of disease and injury, but wanted to address the changes in the United States workplaces, as well as the increasingly diverse workforce. By 2005, the United States workforce is expected to grow to 147 million, with minorities representing 28 per cent and women representing 48 per cent. Approximately 500 organizations and individuals outside the Institute provided input into the development of the Agenda.

The Agenda identifies 21 research priorities grouped into three categories:

Disease and Injury

- Allergic and irritant dermatitis
- Asthma and chronic obstructive pulmonary disease
- Fertility and pregnancy abnormalities
- Hearing loss
- Infectious diseases
- Low back disorders
- Musculoskeletal disorders of the upper extremities
- Traumatic injuries

Work Environment and Workforce

- Emerging technologies
- Indoor environment
- Mixed exposures
- Organization of work
- Special populations at risk

Research Tools and Approaches

- Cancer research methods
- Control technology and personal protective equipment
- Exposure assessment methods
- Health services research
- Intervention effectiveness research
- Risk assessment methods
- Social and economic consequences of workplace illness and injury
- Surveillance research methods

The call for research on asthma and chronic obstructive pulmonary disease, fertility and pregnancy abnormalities, infectious diseases, low back disorders, musculoskeletal disorders of the upper extremities, work environment and workforce, social and economic consequences of workplace illness and injury is a direct response to the changes that have drastically reshaped our labour force, our workplaces, and our work styles.

However, in spite of these massive changes to our society, we should keep in mind that there continues to be hazardous occupations which put the lives and health of Canadian citizens at risk. Occupations such as mining, longshoring, transportation, construction and manufacturing continue to employ many thousands of people. The vast majority of fatalities and serious injuries, and significant exposures to noise and to hazardous substances occur in these sectors. The toll it takes on individuals and their families is incalculable.

"Dave Ellis, an 18-year-old student from Burlington, Ontario, became entangled in a commercial dough mixer in a bakery. He died on February 17, 1999. It was his second day on a job that was to last only three weeks.

At almost the same time, 19-year old Tilbury worker Jared Dietrich died on his second day on the job because there was no proper guarding on his machine.

Ivan Golyashov, 16, was killed in a similar accident to David's in an unguarded dough maker in a Toronto bakery.

Steve MacDonald, 20, was killed three months after Ivan when he became entangled in a metal lathe in Milton."

Buzz Hargrove, CAW, article in the *Globe and Mail*, July 19, 2000

The Labour Program of Human Resources Development Canada is entering the 21st century well armed with a modern legislative tool, i.e., the newly amended Part II of the *Canada Labour Code*. While some difficulty was encountered when the Labour Program was amalgamated with Human Resources Development Canada, and the subsequent Program review, steps have been taken to ensure a coordinated and effective response to any problems that might arise in the workplaces under federal jurisdiction. The officers in the field are ably supported by a cadre of specialist engineers at the National Headquarters. The Industrial Hygiene Laboratory provides excellent service in the areas of instrument purchase and maintenance, chemical analysis and advice on measurement techniques. The Occupational Safety and Health Compliance Unit ensures uniform application of the *Code* and the *Regulations* by liaising between the field staff and Legal Services. The Labour Program is working on regulations which would require employers to take actions to prevent occupational injuries and disease, rather than deal with them after the fact. The issue of violence in the workplace is being thoroughly examined to see if regulatory action is necessary. The Labour Program continues to be actively involved with the International Labour Organization and the North American Free Trade Agreement partners on matters related to occupational safety and health.

A fitting way to end this article is by quoting Gerry Blanchard, Director General, Operations, who said the following in his address to the 10,000 or so occupational safety and health professionals at the annual conference of the American Industrial Hygiene Association held in Toronto in June 1999:

> "We face some daunting challenges, to be sure, but I feel confident that, by working together, we can make the workplace what it is supposed to be—safe, healthy and productive."

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THE EVOLUTION OF LABOUR LAW AND SOCIAL SECURITY OVER THE PAST 100 YEARS

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The purpose of this article is to provide a brief overview of the improvement in workers' living and working conditions over the last hundred years from two points of view: the development of labour laws in response to social and economic changes and, conversely, the role of these laws in social and economic development. The underlying assumption is that the evolution of labour law is closely linked to the evolution of social security, and vice versa. Finally, it looks at the current challenges facing governments, employers and unions.

Genesis of the New Society

It is quite apparent while examining the history of the industrial revolution in England, the United States and Canada to see how the change in the means of production in the 19th and 20th centuries transformed the nature of labour relations and social relationships. Simply put, large numbers of farm workers left for the city to work for other people, to sell their work for a wage. This unprecedented economic and social upheaval spawned a new type of citizen, the wage earner, and a new form of work organization based on standardized production and a specialized division of labour.

The mounting socio-economic consequences of rapid industrialization started to become evident in the 1880s, particularly in the towns and cities. The living and working conditions of wage earners quickly became a matter of concern as witnessed by the growth in the union movement.

The following account from 1887, taken from a study prepared for the Royal Commission on the Relations of Labour and Capital, illustrates the conditions of the working class in the late 19th century: *[Translation]* "A young woman who worked hard from Monday morning to Saturday evening for a paltry $3 or $4 in wages would find on payday that 25¢ or 50¢, or even a dollar, had been deducted from her pay because of some minor violation of the rules or a foreman's pettiness."[1]

At that time, both individual and collective efforts by workers to improve working conditions were often met with intimidation or prosecution. It should be noted that in the mid-19th century, the law recognized only strict legal equality between individuals. Any employee who unilaterally broke his or her employment contract was committing a criminal offence. Workers who walked off the job en masse were charged with criminal conspiracy for unduly interfering with the employer's hiring freedom. In 1872, striking typesetters in Toronto were in fact charged with criminal conspiracy under common law and convicted.

In addition to their inability to secure decent working conditions, workers and their families faced many other social problems. These included a high infant mortality rate, child neglect, juvenile delinquency, spreading slums – in short, growing poverty and destitution in the cities as well as in the countryside. Government intervention was therefore needed to limit the negative impacts on individuals and families.

The following comment from a study by Jean H. Gagné sums up the social context of an era when poverty and the exploitation of workers were all too widespread: *[Translation]* "It was at this time that employer-employee relations began to lose their individual character. On the whole, workers were hardly in an enviable position. Conflicts had broken out or were on the horizon. The rising trade union movement had to fight the hardening employer position. Solutions

[1] Fernand Morin and Claudine Leclerc, "The Use of Legislation to Control Labour Relations: *The Quebec Experience*," in *Labour Law and Urban Law in Canada*, Yvan Bernier and Andrée Lajoie, eds. (Ottawa: Minister of Supply and Services Canada, 1986), Vol. 51, p. 86. Studies commissioned by the Royal Commission on the Economic Union and Development Prospects for Canada.

had to be found to these new problems. Thus emerged one of the key roles of government...."[2]

And thus emerged employment policies, labour law and social programs. Indeed, many social and economic policies of the 20th century stemmed from the desire to ensure a minimum standard of living for all Canadians. To this end, governments formulated policies to promote job creation. They sought to protect workers from all forms of exploitation by setting minimum labour standards, such as the minimum wage. They legalized union activity and regulated the collective bargaining process. They implemented income redistribution programs to help the poor. They promoted equal opportunity by providing "free" education and health care.

Creation of a New Body of Law: Labour Law

In broad terms, labour law developed along two main lines: laws legitimizing and regulating union activity (collective rights), and laws to protect wage earners against working conditions deemed dangerous or socially unacceptable (individual rights).

Development of Labour Law Concerning Union Activities

It should be borne in mind that trade unionism in Canada began as an illegal activity that only gradually became legal. At the beginning of the industrial revolution, governments refused to intervene in the free labour market to regulate employee-employer relations. Their role was confined to allowing the free flow of goods and services, ensuring free competition and guaranteeing order and public security. It was not until the widely condemned trial of the Toronto typesetters and pressure from labour that Parliament passed the *Trade Unions Act* in 1872 so that collective action by workers would no longer be considered a criminal act. In the same year, Parliament amended the *Criminal Code* to curb prosecutions for striking and picketing. Workers obtained the right to form unions and to walk off the job en masse without incurring penalties. However, employers still had the right to refuse to bargain. Governments had shifted from a position of hostility to the union movement to a position that could be described as neutral.

The government's hands-off attitude toward labour relations was gradually replaced by more interventionist policies. In 1907, Parliament took a clearer position in favour of collective bargaining when it passed a bill requiring employers to bargain with unions through intervention of an official conciliation board. The goal was to protect the public interest by avoiding costly work stoppages in strategic sectors such as mines, transportation and utilities. The collective bargaining right was recognized, but there was no mechanism in place to compel employers to bargain in good faith.

World War II: A Catalyst

It was not until World War II that the legitimacy of union activity was clearly enshrined in federal legislation. The war caused profound social and economic upheaval in Canada. It ended the most severe unemployment crisis the country had ever experienced and substantially raised the standard of living for most Canadians. One of the most significant consequences was to further accelerate the process of industrialization and urbanization. Prosperity was back.

For the first time in Canadian history, the country experienced a labour shortage. The massive influx of women into the labour market solved that problem, and fundamentally changed the face of society and the labour market. Industrial processes became increasingly complex and advanced, requiring a more skilled work force. War industries gave a large number of workers the opportunity to acquire new skills. Similarly, members of the armed forces received occupational training.

By 1943, with the outcome of the war becoming increasingly clear, unions began to chafe at the stringent conditions imposed on workers under the *War Measures Act*. Numerous strikes broke out and the labour situation started to look more like 1919, the record year for labour unrest in Canada. Although the right to collective bargaining was legally recognized, no mechanism yet existed to compel employers to bargain in good faith. The chairman of the National War Labour Board informed Prime Minister Mackenzie King that a number of strikes had broken out across the country, not over wages or work schedules but because workers were being refused the right to

[2] Jean H. Gagné and Gérald Trudel, *La Législation du travail dans la province du Québec, 1900-1953* (1955), p. 4. Study prepared for the Royal Commission of Inquiry on Constitutional Problems.

organize and bargain collectively. He recommended that Canada pass its own version of the *Wagner Act*, an American law passed in 1935, during the depression.

In February 1944, Cabinet approved Order in Council P.C. 1003, which required employers to bargain in good faith and make an honest effort to reach agreement with certified unions. Failing to do so would be considered an unfair practice and could lead to civil and criminal penalties. To make such negotiation possible, the Order in Council enumerated certain practices that were expressly forbidden. For example, an employer could not fire an employee for union activities. Also, employers were forbidden to participate in the financing of the union organization, so that unions would not be dominated by employers or become company unions.

It remains unclear whether the federal government had fully weighed the implications of issuing this order in council, inspired by the *Wagner Act*, during wartime. There is no evidence that the economic principles that prompted the American government to pass the *Wagner Act* had any influence on the Canadian government's decision. United States President Franklin D. Roosevelt believed that promoting collective bargaining by compelling employers to bargain would give workers higher wages, increase their purchasing power and have a positive impact on economic growth and employment.

The Canadian government was apparently more concerned with reducing labour stoppages than with raising wages or creating jobs. It clearly did not dwell on the fact that the American model had been designed during the crisis of the 1930s depression to deal with an economic problem, not with social unrest. Neither was it clear whether the decision was made in order to provide effective social and economic policy in peacetime. Nonetheless, it should be noted that once workers were in a stronger position at the bargaining table, the union movement quickly gained momentum and grew in numbers and in the ability to influence public policy.

The labour law established under P.C. 1003 profoundly influenced all subsequent development of labour relations legislation in Canada. It had a direct influence on most provincial labour relations laws. The system had worked well during the war, so it was natural that it should be maintained in peacetime, especially since all parties benefited – there was no going back.

Beginnings of Social Security

The war also paved the way for the development of Canada's social security system, which was created to improve the living conditions of workers and their families. The socio-economic consequences of the war, coupled with the economic crisis of 1929, cleared away all the barriers that might have previously prevented the development of social security programs. The war had mobilized workers at all levels and fostered specific ideas and expectations about the distribution of wealth.

In 1942, the president of McGill University and the Minister of Pensions and Health discussed the Beveridge Report (a British report on social security) and decided to design a social security program for Canada. This task was given to Leonard Marsh, the man who had for the previous 10 years been co-ordinating McGill's social research program, the man who was to become the father of the Canadian social security system.

In 1943, Leonard Marsh tabled the report that is a landmark in the history of social security in Canada. *The Report on Social Security in Canada*, better known as the Marsh Report, summarized the research and thinking about social security in Canada, the United States and Great Britain. For the first time in Canada, a report demonstrated that a social welfare system, supported by a full-employment policy, could pull people out of poverty and guarantee them a minimum income. Marsh proposed that wage earners be insured against the risk of unemployment, disability and illness, and that female workers receive maternity benefits. Social security benefits would also be paid to retirees and to workers with a permanent disability. In addition, Marsh proposed family allowances and a health care insurance plan.

Labour unrest and the growing popularity of the Co-operative Commonwealth Federation prompted Prime Minister Mackenzie King to opt for a more progressive social and economic policy. In 1944, Mackenzie King brought in a universal family allowance program. He also promised universal hospital and health care insurance and full employment after the war. However, it was not until 1957 and 1966, respectively, that hospital and health care insurance became a reality.

It is evident that the events and conditions of World War II were the key determining factors in the development of Canadian industrial relations legislation and Canada's social security system. But where are we today?

Union representation is based on certification at the level of the individual establishment. But there are increasing numbers of workers who are not in that employer-employee relationship. What can be done for part-time and seasonal workers, and those in the thousands of retail and service jobs? What mechanisms would enable these workers to negotiate working conditions, or improve access to social security?

Development of
Labour Law to Protect Wage Earners

By the end of the 19th century, in parallel with the laws to regulate union activity, a body of laws and regulations was developed (albeit in a somewhat piecemeal fashion) to redress various practices considered to be abusive, unjust and likely to lead to social unrest.[3]

The labour standards in place today, both federal and provincial, were introduced gradually and sporadically (at least until recent years) to address specific problems. We can trace this process by focusing on certain milestones.

The first labour standards laws (starting in 1884 in Ontario) tackled the most urgent problems. For example, operating a factory that endangered or compromised the health and safety of employees was prohibited. Rules were established governing matters such as the age at which children could work, and the length of the workday for girls and women, and for boys under the age of 14.

Adequate compensation for workers suffering an industrial injury was later added to the requirements concerning accident prevention. The principle of employer liability was introduced. Ontario's *Workmen's Compensation Act* of 1914 gave rise to the first social insurance program in Canada. For the first time, there was a law protecting workers against loss of wages due to an occupational injury or disease. Workers were guaranteed compensation regardless of their employer's financial position. On the other hand, workers had to renounce their right to sue their employer.

The idea of minimum wage legislation emerged later. Laws were enacted in Manitoba and British Columbia in 1918. Some businesses that were willing to pay decent wages supported the measure, fearing they would be unable to compete with competitors that cut production costs by paying inadequate wages. At first, the minimum wage applied only to women and girls. The minimum wage for both genders was introduced just before or shortly after the Second World War, depending on the province.

It is undeniable that the minimum wage legislation was important as social policy. There is overt recognition of this in two introductory "whereas" clauses in Quebec's 1940 *Minimum Wage Act*, which referred to the high social purpose attributed to labour laws of this type at the time: *"Whereas social justice requires the regulating of labour whenever the economic situation involves unjust conditions for the employee;" and "Whereas the tolerating of the forced acceptance of insufficient remuneration is to fail to take into account the dignity of work and the necessities of an employee and his family."*[4]

It was not until the end of the Second World War, however, that labour laws required employers to grant workers paid vacation after a certain number of years of service.

For 25 years after World War II, there were no major changes to labour standards. Prosperity, economic development and the growth of the union movement may explain why there was less concern with labour standards during that period. It should also be noted that the 1950s and 1960s were watershed decades in the history of social welfare in Canada. Major social security programs such as hospital and health care insurance, the Guaranteed Income Supplement, the Canada Pension Plan and its counterpart the Quebec Pension Plan, and the Canada Assistance Plan were created at this time. It is not surprising, then, that the development of these programs monopolized the attention of the public.

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[3] Robert P. Gagnon, Louis Lebel and Pierre Verge, *Droit du travail*, 2nd edition (Quebec City: Les Presses de l'Université Laval, 1991), p. 29.

[4] Quebec, *Minimum Wage Act* 40 S.Q., Chapter 39.

It was not until the 1970s, particularly toward the end of the decade, that existing labour standards were strengthened across Canada and new ones were introduced. What were the factors that induced governments to amend their labour laws? In the mid-1970s, the number of workers on strike was four times greater than it had been in the mid-1960s. Canada had the worst strike record of all industrialized countries, prompting governments to review their labour laws. Statistics for 1976 on the number of person-days lost to work stoppages per year suggested that our labour legislation, with all its mechanisms aimed at preventing strikes and lockouts, was a dismal failure.

Among labour standards introduced in the 1970s were a binding enforcement mechanism (for the first time) for labour standards; also there was new protection from unjust dismissal, including reinstatement of employees who were dismissed unlawfully or without cause.

Commentary

It goes without saying that labour standards have had a positive impact on workers. They constitute important gains that workers do not want to lose. However, not all issues have necessarily been resolved. For example, non-standard working arrangements such as home-based work and telework are a challenge to governments and their traditional means of enforcing labour standards. Canadian legislation has only partially kept pace with this new development.

Policy Challenges for 2000

The challenges posed by a fragmented work force consisting of a core of workers with security and protection and a peripheral or fringe work force without these advantages raise fundamental questions about our goals as a society. Workers and their families are concerned about issues such as job and income security, the need for a healthy balance between personal and professional responsibilities, access to public and private benefits and strategies for sharing productivity gains.

Improvement in Canadians' standard of living and in business productivity will depend on the ability of the workplace to adapt to change and to devise innovative methods of production and work organization and innovative employment relationships. It will also depend on how the workplace is used to help employees obtain protection for themselves and their families.

Currently, most social security schemes are based on an employment model where the norm is permanent, lifetime employment and where workers withdraw from the labour market at the end of their working life. If, as expected, "traditional" work structures continue to change, it will have a significant long-term impact on social policy. Governments will have to provide appropriate social assistance programs to support the numerous forms of employment that will become increasingly common.

The political challenges for governments and for management and labour can be summed up in a single question: How can workers' economic security be reconciled with the flexibility businesses need? This question raises other questions:

1. How can appropriate support be provided for businesses, particularly small businesses that want to change but lack the resources or skills to do so?

2. How can the training and reskilling that workers need be accomplished so that the work force meets the growing requirements for qualifications and skills?

3. How can income security programs be adapted to reflect the new forms of employment?

4. How can the new trends in employment be used to promote the inclusion of employment equity target groups?

5. How can the current legal framework be modernized to reflect the new trends in employment?

6. What can be done to enable workers to participate fully in organizational change?

The organization of work can be modernized only by businesses themselves, with help from employers and employees – and their representatives – keeping in mind the different situation in each industry, company or organization and the speed of change.

The challenge for employers is to effect a fundamental renewal of their organization so as to instil a climate of trust and partnership, based on the concepts of flexibility and security. The challenge for labour is to make sure it plays a constructive and active role in

the innovation and modernization processes within business and maintains a balance between its social and economic objectives.

Governments, for their part, can stimulate debate and facilitate the introduction of new forms of work organization by publicizing best practices and making them easily accessible. Decision makers must therefore understand what is happening in businesses in order to encourage informed public debate and must take new developments into account when setting policy and modernizing labour and social legislation.

Conclusion

Over the last hundred years, there has been extensive government intervention to address major social issues such as health, education, the flight against poverty and exclusion, income security for workers and seniors, the abolition of child labour, and equality of men and women. Governments were quick to understand that the benefits of economic development must be shared more equitably among all and that protecting the most vulnerable members of society must be a priority in government policies and programs.

It is true that government intervention was and still is necessary to redress the imbalance between rich and poor and to ensure a measure of social peace and justice. The purpose of labour laws is to rein in the 'laws of the free market' and ensure civilized conditions for those who work for others. Meanwhile, social programs help provide minimum living conditions for all citizens, and that minimum tends to evolve with time. It can also be said that labour laws strengthen social security programs and vice versa; hence it is important to co-ordinate labour policy and social policy. Labour laws provide protections and working conditions that contribute to the security of workers and their families.

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MINIMUM WAGES AND WORKING TIME DURING THE LAST CENTURY

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Before 1900

Canadian workers had very few rights at the turn of the 20th century. Essentially, workers' rights were limited to those of Masters and Servants Acts allowing workers to recover unpaid wages by means of a summary proceeding before the courts. However, legislation provided additional wage recovery protection for mechanics. The recovery of damages by injured workers was even less certain and more problematic. However, the working class had just recently won the right of association to negotiate better working conditions; until 1872 this had constituted the crime of conspiracy, punishable by imprisonment.

The only other laws to protect workers were Mining Acts and Factory Acts. A *Mining Act* was first adopted by Nova Scotia in 1858, whereas Factory Acts were adopted in Ontario and Quebec around 1884.

Although the rationale for the factory laws was very different from that behind the mining laws, they both contained similar provisions. Factory Acts, it appears, were adopted because "it was reasoned that the health and morals of women might be threatened by night work" (Miller, 1975:165). Children had just been taken out of the mines—only to be put into factories, where the work was equally dangerous. Legislators were slowly becoming aware of the fact that children had to be properly protected and educated to secure the future of the nation. Thus, the first truancy and public education acts appeared at the time of the industrial revolution.

However, excessive hours affected not only women and children. The standard work week in the Canadian manufacturing sector in 1870 was approximately 64 hours. The common belief was that a reduction in hours of work could be achieved only through technological advances resulting in productivity gains. Productivity gains were indeed responsible for a reduction in hours of work, but the bulk of these gains were not due to technological change. They occurred simply because workers, being less exhausted from overwork, became more productive (*Working Time and Distribution of Work*, 1994:2).

With industrialization and the gradual acceptance of the government's responsibility to protect the fundamental rights of its citizens, a large body of labour legislation came to be developed over the next few decades.

From 1900 to 1909

Census data indicate that the number of employees in the manufacturing sector rose from about 299,000 in 1901 to 372,000 by 1911. There was a constant increase in economic activity as the population grew to over two million people, mostly due to immigration.

Union members numbered 133,132 in 1911. The increasing importance of the labour movement gave rise to new demands by the working class for Parliament and the provincial legislatures to improve conditions of work. Indeed, the 8-hour day was established largely due to the persistent dema. ds of unions in the mining industry. However, the weekly hours of work decreased very little. From about 64 hours a week in 1870, the average work week was reduced to about 60 hours in 1900.

Fair Wages

In March 1900, upon the recommendation of the first Deputy Minister of Labour, W.L. Mackenzie King, the federal government formally intervened for the first time in the fixing of labour conditions. The House of Commons Policy on Fair Wages required the payment of fair wages to workers employed on publicly funded

— With a contribution from Denis Dupont. This article presents an overview of labour standards legislation affecting working time (including leaves) and minimum wages over the last century. The article borrows generously from: Lorentsen and Woolner, *Fifty Years of Labour Legislation in Canada; Labour Legislations of the Past Decade: 1951-1960*; and the various yearly reports prepared for the Canadian Association of Administrators of Labour Legislation from 1960 to today.

construction contracts, and also provided that "workers would not be required to work in excess of the hours of work generally considered as prevailing in the trade and region where work is carried out, except in the case of an emergency requiring the protection of human life or of private property." (*Report of the Proceedings of the Special Committee on Bill No. 21*, 1910:421) According to Lorentsen and Woolner, the federal government's adoption of this policy resulted in wide acceptance of the principle of fair wages in Canada.

The Lord's Day

In 1906, the federal government adopted the *Lord's Day Act* for the preservation of the Sabbath, using its constitutional power to enact criminal laws. Indirectly, this Act, as well as similar provincial acts, helped establish the weekly day of rest, a matter that is still covered by labour standards laws today.

From 1910 to 1919

The century's second decade was marked by the First World War, increasing industrialization and a great demand for labour. The unionization rate rose dramatically – unions counted some 378,047 members in 1919 – creating conditions more favourable to the adoption of labour legislation. Gradually, it was accepted that the government should enact laws to eliminate excessively low wages, excessively long hours of work and unsafe working conditions.

Minimum Wages

The labour movement generally considered that it could do a better job than the government of ensuring good wages for men. But women, according to the American Federation of Labor, "do not organize as readily or as stably as men; they are therefore more easily exploited." Minors also needed the State's intervention. Thus, government stepped in. By 1920, six Canadian provinces had enacted minimum wage legislation applicable to women in some types of employment.

The legislation generally required that boards consisting of employer and employee representatives hold investigations and issue minimum wage orders for employed women in shops, factories, offices, hotels and restaurants. The first minimum wage rates varied from $9.50 to $12 per week. The rates were based on the estimated cost of living for a single woman.

International Labour Organization (ILO)

The interest in social legislation following the war found expression in the Treaty of Versailles and in the setting up of the International Labour Organization in 1919. ILO Convention 1, adopted that year and ratified by Canada in 1935, established the principle of an 8-hour day and a 48-hour week.

From 1920 to 1929

As men returned from the front and tried to find employment, a brief recession occurred. By 1924, however, employment had returned to a high level, and prosperity continued until the crash of 1929.

Minimum Wages

In 1925, British Columbia adopted the first *Men's Minimum Wage Act*. Not until the next decade did any other province follow its example. Although there was growing interest in the idea of a minimum wage for all, there were fears that "the minimum tends to become the maximum." Studies of the time showed that minimum wage legislation appeared to have raised the entire wage scale in industries covered by minimum wage orders.

Hours of Work

During this decade, many Canadian provinces adopted the 8-hour day, which unions were continuing to demand. However, the 48-hour week was still the exception. Moreover, hours of work legislation covered only women and children. "A weekly limit for men became established only after the Depression of 1929 and, until the middle of the 60s, only five Canadian provinces had enacted such legislation." (*Working Time and Distribution of Work*, 1994:14)

From 1930 to 1939

The 1930s, the years of the Great Depression, were characterized by high unemployment and a general collapse of wages and working conditions. Every level of government – municipal, provincial and federal – was called upon to provide gainful employment through public works or direct social assistance. Legislators also examined existing labour laws with a view to strengthening their protection for those still employed.

Fair Wages

In 1930, the federal government took the first of many legislated measures it would take to attempt to alleviate the effects of the depression: it adopted the *Fair Wages and Eight Hour Day Act*, which replaced the Fair Wages Policy of 1900. In 1935, this Act became the *Fair Wages and Hours of Labour Act*, the name it still bears today. Beyond the change of name, provision was made for the adoption of an 8-hour day and 44-hour week. It was recognized that the norm "generally considered as prevailing in the trade where work is carried out" was not a firmly enough established standard to constitute an easily measurable and enforceable labour standard.

Attempts by the Federal Government to Enact Labour Standards Legislation

The federal government stepped up its efforts to pry the country out of the depression. In 1935 it adopted the *Limitation of Hours of Work Act*, the *Minimum Wages Act* and the *Weekly Rest in Industrial Undertakings Act*. Canada also ratified ILO Convention 1, among others, which established the principles of the 8-hour day and 48-hour week.

In 1925, England's Privy Council had ruled in the case of *Toronto Electric Commissioners v. Snider* (1925) A.C. 396 (P.C.) that the enacting of laws respecting the settling of disputes relating to, among other things, minimum wages and hours of work fell principally within the provinces' powers under their exclusive constitutional right to regulate "property and civil rights."

> "Recognizing this fact, the Prime Minister nevertheless took the stand that such legislation if made pursuant to a treaty was within the competence of the Parliament of Canada. Parliament then ratified three ILO Conventions dealing with hours of work, minimum wages and weekly rest and enacted three statutes giving effect to these Conventions. These statutes were declared *ultra vires* of the Parliament of Canada in 1937 by the Privy Council ..." (Lorentsen and Woolner, 1950:33)

The federal strategy to rely on its constitutional powers relating to international treaties had failed. Twice in a row, in 1925 and in 1937, the Privy Council had rejected the attempts by the federal government to adopt labour standards legislation. The only federal law dealing with standards was now the *Fair Wages and Hours of Labour Act*. Things were to remain this way until 1958.

Most provinces, however, rapidly exercised their legislative powers, not only to fill the juridical vacuum and occupy the constitutional field, but also to attempt to alleviate the pernicious effects of the lingering Great Depression.

Minimum Wages

Several years of depression resulted in a drastic decline in standards of wages and hours of work. In 1934, the Report of the Price Spreads Commission revealed facts on hours of work and wages that shocked the country. The Report showed that it was men, this time, who were at a disadvantage. Indeed, most employers were engaged in a ruthless fight for survival, the consequences of which were invariably borne by employees. Employers would allege they were forced to cut prices and wages to stay in business, because their competitor down the street was doing so. Employees did not have much choice in the matter, and would accept the cuts to avoid joining the long lines of workers on the dole. (Hébert, 1963:161)

The absence of minimum wage legislation for men resulted in men being employed at wages below the minimum wages for women. Hence, it was proposed that minimum wage legislation should be applied to men as well. This was accomplished either through separate minimum wage legislation for men or through amendments to the statutes applying to women. Some legislation was modified to stipulate that where a minimum wage had been fixed for women, male workers could not be employed at a lower wage.

According to Lorentsen and Woolner, the fear was that men, preferring to avoid the shame of unemployment, would accept working at a rate lower than the minimum wage set for women in similar jobs. Provinces moved to correct some of the obvious inequities with respect to minimum wage laws, by extending their application to men (Manitoba and Saskatchewan in 1934, and Ontario and Quebec in 1937) or by adopting separate acts applying to men (Alberta in 1936, following the 1925 example of British Columbia). By the end of the decade, only Nova Scotia's law did not apply to men. Prince Edward Island and New Brunswick had not yet legislated on this matter. In addition, some

legislation was modified to stipulate that where a minimum wage had been fixed for women, male workers could not be employed at a lesser wage. Alberta adopted such a provision in 1925. In 1934, British Columbia, Ontario and Quebec did so as well.

Hours of Work

With respect to hours of work, provincial legislation addressed two key points with the express intention of correcting abuses: first, a reduction in the excessive hours of work; and second, a redistribution of available working time. For example, regulations under Quebec's *Limitation of Hours of Work Act*, which applied in the construction trades, established the 40-hour work week, only to raise the limit to 48 hours when the worst of the depression was over and business had recovered.

Laws for general application were adopted using the same approach as used for the minimum wage laws. Just as British Columbia had done in 1923, many provinces extended the application of the 8-hour day and 48-hour week limits to both sexes. The rationale for these provisions may at first glance appear to be connected to equality rights, but the principal objective was to ensure redistribution of hours of work among men, women being politely asked not to usurp the available jobs.

Quite innovatively, to ensure that no loopholes could be exploited in relation to actual hours worked and "... to guard against payments below the minimums for slightly reduced hours, the stipulation was added in most acts that the rates applied to a certain weekly work period, with higher rates being set for part-time and overtime work." (Lorentsen and Woolner, 1950:34)

Juridical Extension

Quebec introduced the concept of juridical extension of rights in 1934, with the adoption of the *Collective Agreement Decrees Act*. This type of legislation was quite widespread overseas at the time. During the decade – in Alberta, New Brunswick, Nova Scotia, Ontario and Saskatchewan – the model was adapted to apply to situations where unions were not influential enough to play a large role in the implementation of industrial standards acts. In 1967, Prince Edward Island also adopted this type of law.

In accordance with this model, a type of hybrid regime between labour standards laws and collective bargaining, a decree was passed by the government to juridically extend to all workplaces within an industry and region the working conditions prevailing in that industry. In Quebec, the parity committees, composed of unions and employer associations in a given sector, would make the request for a decree extending the standard-setting clauses of a collective agreement. These laws helped prevent the worst abuses by removing working conditions from unfair competition (Bernier, 1986; Brennan, 1993) The acts appear to have slowly lost their relevance over time, but are nevertheless part of our labour legislation heritage.

The question may be put whether the 1930s demonstrated the relative lack of effectiveness of labour standards laws during severe economic crises. Indeed, as the experience of post-war years would show, improved worker protection seems to depend upon economic stability and prosperity.

From 1940 to 1949

World War II shook Canada out of its economic torpor. Canada quickly became one of the largest armaments producers, which resulted in major developments in the labour market. Union membership, for instance, rose from 358,967 in 1939 to 977,594 in 1948.

Many special emergency measures were taken by the federal government under the authority of the *War Measures Act*, including the extension of the benefits of collective bargaining. Incomes and the standard of living increased dramatically, to the point where it became necessary to regulate inflation caused by the sudden increase in wages. Before the end of 1942, wage, price and employment controls were imposed.

Annual Vacations with Pay

Labour being in great demand and subject to strict quotas, it had become difficult to effect reductions in working time. Unions decided therefore to concentrate their efforts on obtaining annual vacations with pay for all workers. Those efforts began to come to fruition in 1944. Before the end of the decade, six provinces – Ontario, Saskatchewan, Alberta, British Columbia, Quebec and Manitoba – had legislated on this matter.

Hours of Work

Three provinces – Alberta, British Columbia and Ontario – adopted legislation establishing an absolute limit on hours of work per week (48 in Alberta and Ontario, and 44 in British Columbia). Manitoba and

Saskatchewan established standard hours of work (in Manitoba, 48 hours for men and 44 for women; and in Saskatchewan, 44 in urban centres and 48 elsewhere), beyond which hours were to be remunerated at the overtime rate.

Minimum Wages

Wages had been frozen at 1941 levels throughout the war. Once the war ended, minimum wage rates began to rise quickly. The practice of the minimum wage boards was to examine the overall economic situation and establish rates either for general application or for specific categories of employees within certain sectors or industries. A general trend had developed during the 1940s of extending the benefits of the minimum wage orders to more and more employees.

From 1950 to 1959

In 1950, the average work week fell dramatically to 43 hours, largely due to the continuing economic expansion. However, the length of an actual average work week had no apparent connection with the legislated norm, which was generally 9 hours per day and 48 or 54 hours per week, sometimes longer. Moreover, "in the ensuing 10-year period there were few important changes in hours legislation. Hours were reduced to some extent in Alberta and in Newfoundland and coverage was extended in Manitoba and in Saskatchewan." (*Labour Legislation of the Past Decade*, 1963:11-12)

Hours of Work

Early in the decade, Alberta and Newfoundland reduced hours of work to 44 hours per week in urban centres. In 1959, Newfoundland again reduced the weekly limit to 40 hours for shops in St. John's. Saskatchewan widened the coverage of its *Hours of Labour Act* to match that of its *Minimum Wage Act*. "There also is some indirect regulation of hours by virtue of provisions in minimum wage orders requiring the payment of an overtime rate after a specified number of hours of work per week." (*Labour Legislation of the Past Decade*, 1963:12)

In 1959, Saskatchewan adopted a provision on the "maintenance of earnings" in its *Hours of Labour Act*, directly inspired by the language of collective agreements. It stipulated that where there was a reduction in the previously established hours of work of an employee, there could be no reduction in that person's weekly earnings.

Vacations with Pay

It was in 1958, with the adoption of the *Vacations with Pay Act*, that the federal government once again attempted to exercise its legislative powers relative to labour standards. But it carefully limited the scope of the *Act* to the federal businesses, works and undertakings enumerated in section 91 of the *Constitution Act*, 1867. The annual leave was one week with pay after one year's service with the same employer and two weeks after two years' service. Indeed, the federal government's powers to enact laws with respect to the businesses enumerated in section 91 had been established in 1955 by the Supreme Court of Canada in the case of *Eastern Canada Stevedoring Co. Ltd.* (1955, 3 DLR 721)

New Brunswick (1955) and Nova Scotia (1959) also adopted new vacations with pay acts. The New Brunswick act applied in only two industries – mining and construction – where, according to the Minister of Labour, "a legal standard appeared to be necessary because there was year-round employment and vacations with pay were quite generally granted." In Nova Scotia, the leave was of general application, the only exceptions being lumber, commercial fishing, farm and domestic workers. In both cases the length of the leave was one week after one year's service, following the lead of Ontario and Quebec. At the end of the decade, only Saskatchewan, British Columbia and Manitoba provided two weeks' vacation after one year of service.

Statutory Holidays

Only two provinces, Saskatchewan (eight paid holidays since 1947) and Manitoba (seven paid holidays since 1952) provided paid statutory holidays to most employees. However, almost all provinces required commercial establishments to be closed on Sundays and on specified holidays, without requiring that employees be paid for a day not worked. In Quebec, the decrees under the *Collective Agreement Decrees Act*, which applied to some 300,000 workers at the time, usually contained clauses providing paid general holidays.

Minimum Wages

At the beginning of the 1950s, nine provinces had established minimum wage laws. The 10th province, Prince Edward Island, did so in 1959 for women and in 1960 for men. Minimum wage orders applying to men had become universal and the minimum wage differential between men and women had almost disappeared by the middle of the decade. Nova Scotia and Newfoundland maintained the differential until the early 1960s, and Prince Edward Island retained it until 1974.

During the decade, the trend toward extending minimum wage rates to all workers and reducing the number of special rates for different categories of workers or industries gained momentum. However, five provinces still had higher minimum wages for people working in urban centres because the cost of living was higher there than in rural areas. Four provinces established lower minimum rates for young workers and inexperienced workers.

The Entry of Women into the Labour Market

During the war, a large number of women had taken over jobs left by men who had gone to fight. Some of these women returned to their homes after the war, leaving their jobs to the men returning from the front. Indeed, to encourage the employment of veterans, married women were prohibited from occupying positions in the federal public service right up until 1966. However, a great many more women stayed in the labour market, some by choice, others by necessity.

The world had changed and the first signs of a new phenomenon were emerging. During this period, "Parliament and seven provinces enacted legislation designed to prevent economic discrimination against women solely on grounds of sex." (*Labour Legislation of the Past Decade*, 1963:27) The first provisions on equal pay for equal work appeared in Ontario in 1952. Similar provisions were adopted in Saskatchewan, British Columbia, the federal jurisdiction, Manitoba, Nova Scotia, Alberta and Prince Edward Island before 1960.

From 1960 to 1969

During the 1960s, legislative developments kept pace with the growing economic prosperity of the post-war period.

Minimum Wages

The task of consolidating and simplifying the various legislative and regulatory measures dealing with labour standards began during this decade. The minimum wage came to apply to many more categories of workers that had previously been excluded. For example, New Brunswick adopted in 1965 five new orders that, between them, applied to almost all workers in the province. That same year, Alberta adopted an order setting rates for all workers according to region, age, and even hours of work. Workers who worked fewer than 40 hours a week were entitled to an hourly rate, whereas those who worked 40 hours or more were entitled to a weekly rate. In Ontario, minimum wage protection was extended to the tourism industry, so that only a few rare exclusions remained. In 1968, New Brunswick repealed its provisions excluding part-time employees working fewer than 4 hours a day or 24 hours a week from the minimum wage. In 1969, three provinces – Prince Edward Island, Nova Scotia and Newfoundland – established different minimum wage rates for men and women.

Hours of Work

How ever active the 1960s may have been in terms of legislated advances, the impressive progress in the reduction of working time over the preceding 15 years seems to have just petered out. "Thereafter, the pace of change slowed considerably. In the 20 years between 1965 and 1985, the average number of normal hours of work in manufacturing fell to just over 39 hours." (*Working Time and Distribution of Work*, 1994:14) On the international stage, the International Labour Organization had brought into force in 1957 a convention, dating from 1935, that established the standard at 8 hours per day and 40 hours per week (8/40); however, Canada has yet to ratify this convention.

Nevertheless, British Columbia (1964) and the federal jurisdiction (1965) undertook to reduce hours of work progressively to the 8/40 model. With respect to British Columbia, "the 40-hour standard was implemented during the year in relation to factories, shops, office buildings, hotels, restaurants, laundries, the construction industry, as well as certain other establishments." (*Recent Legislative and Administrative Developments*, 1964:16)

The coming into force, on July 1, 1965, of the *Canada Labour* (Standards) *Code* established the 8/40 standard in federal businesses, works or undertakings. In order

to avoid undue hardship in the key sectors of the economy covered by this Code, provision was made to allow employers to apply for deferment or suspension of the application of the standard for a period of up to 18 months. Employers could also apply for a ministerial permit to authorize excess hours.

About one year after the *Code*'s adoption, 5,249 such applications had been received. The vast majority of them were rejected, but 250 were resolved by the adoption of special deferment orders applying to specific employers. Three general deferment orders were also adopted for industries where the 8/40 standard was problematic—road transport, shipping and longshoring. The objective of these orders was to allow the parties to solve on their own the problems associated with the implementation of the standard, for example through collective bargaining.

The orders, however, began to expire one after the other, in some cases with no solutions forthcoming. From 1967 to 1982, no fewer than 30 special commissions of inquiry into hours of work in specific industries or occupations had been set up. There still exist today six regulations under the *Code* whose origins can be traced to one or more of these commissions of inquiry.

Moreover, Manitoba, Ontario, the Yukon and the Northwest Territories adopted the 8-hour day and the 48-hour week for all workers during this period. In Alberta, a 44-hour week was adopted, extending to all workers a 1952 standard that previously applied only to workers in the four largest cities in the province.

In Ontario, the *Factories, Shops and Office Buildings Act* was repealed in 1964, having existed in one form or another for 80 years. It was replaced by the *Hours of Work and Vacations with Pay Act*, which also applied only to women and children. This Act established the maximum at 8/48 hours, even where an employee held more than one job. In 1968, this Act was repealed and replaced with the new *Employment Standards Act*, which applied to men as well as women, maintained the 8/48 standard and provided, for the first time, overtime pay. However, that same year, the *Act* was amended to provide once again that the prescribed hours of work per day and per week were in fact the maximum. The daily maximum could be exceeded, with authorization from the standards board director, provided the weekly maximum was not exceeded. Shortly thereafter, a number of regulations were adopted to allow work in excess of the weekly maximum in certain industries, to a maximum of 55 or 60 hours.

In both territories, *Labour Standards Ordinances* modelled on the *Canada Labour* (Standards) *Code* were adopted; however, standard hours were set at 8 per day and 48 per week.

Various Leave Periods

Alberta (1965), the federal jurisdiction (1965) and British Columbia (1967) adopted their first provisions on statutory holidays with pay, while other jurisdictions added to the number of holidays provided. In addition, the weekly day of rest, wherever possible on Sunday, was extended to almost all employees in Saskatchewan (1960), Manitoba (1962) and Newfoundland (1969). Moreover, in 1962 Manitoba provided that an employee could take compensatory leave in lieu of overtime pay.

Paid statutory holidays were introduced in Prince Edward Island (1967), Nova Scotia (1967), the Yukon (1968), the Northwest Territories (1968) and Newfoundland (1969). During the 1960s, many Canadian jurisdictions also increased from one to two weeks the length of annual vacations with pay after one year of service, or added a second or a third week after 3, 5, 10 or more years. At the end of the decade, all jurisdictions provided annual vacations with pay.

New Brunswick became only the second jurisdiction to provide maternity leave, in 1964. British Columbia had been the first in 1921. New Brunswick provided six weeks of maternity leave. In 1966, British Columbia amended its provisions to increase maternity leave to 6 weeks of pre-natal leave, 6 weeks of post-natal leave, and job protection for up to 16 weeks

From 1970 to 1979

Until now, the provinces had adopted a somewhat piecemeal approach to regulating the labour market. Typically, each had enacted a number of laws and regulatory instruments dealing with minimum wages, hours of work and annual vacations with pay, and applying to various industries, in various regions, either to men or to women and children. During the 1970s, many provinces replaced all these acts by laws of more general application.

In 1969, Saskatchewan consolidated eight different laws into one *Labour Standards Act*. Ontario adopted a new *Employment Standards Act* in 1974. Newfoundland replaced eight separate acts with one in 1977. Quebec adopted a new *Act respecting Labour Standards* in 1978. This trend continued into the 1980s, with the adoption of new acts in Prince Edward Island (1980), Alberta and British Columbia (1981), the Yukon (1985) and New Brunswick (1986). Another example of this consolidation occurred in 1971, when Saskatchewan abolished most of the exclusions under its *Labour Standards Act* to keep only those relating to managerial employees. From here on, the notion of one minimum standard for all would gain wider currency.

Maternity Leave

Following the federal government's decision in 1971 to offer 15 weeks of unemployment insurance benefits during an employee's maternity leave, several jurisdictions amended their labour standards law to protect the jobs of these employees for at least 17 weeks. In June 1974, seven Canadian jurisdictions passed maternity leave legislation: the federal jurisdiction, British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario and Saskatchewan. Alberta and Newfoundland legislated in 1977, as did Quebec in 1978 (through *Order no. 17 under the Minimum Wage Act*). Quebec also adopted provisions regarding reassignment and leave for the benefit of pregnant or nursing women in 1978.

Hours of Work

In Saskatchewan, the *Labour Standards Act* was amended in 1971 to reduce the work week from 44 or 48 hours, according to the region or the occupation, to 40 hours. Ontario reduced its work week from 48 to 44 hours, effective at the beginning of 1975, as did the Yukon later that year. In 1978, the 8/40 standard also became the maximum hours of work in Manitoba. Newfoundland reduced its standard hours from 8/48 to 8/40 for shop employees and to 8/44 for all other employees. Finally, Quebec established a standard work week of 44 hours in its new *Act respecting Labour Standards, 1978*, proclaimed in 1980.

Minimum Wages

In 1974, all "Canadian provinces and the federal jurisdiction have adopted regulations on the minimum wage. Certain jurisdictions provide different rates for experienced adult workers, young workers and students. Certain others allow a handicapped worker to be employed at a lower rate, with prior authorization. All jurisdictions, except Quebec, have adopted laws that require equal pay for equal work, and some also require this protection for men." (*Recent Developments concerning the Enactment and Application of Labour Legislation in Canada* 1974:88)

A review of the incidence of minimum wage increases over the last few decades shows a pattern of increases and of activity that is not inconsistent with the economic conditions of the time. Particularly striking is the large number of minimum wage changes during the five-year stretch from 1972 to 1976, a period of high inflation. During that time, minimum wages were changed, on average, more than twice yearly in all 13 Canadian jurisdictions. The years 1980 and 1981 were similarly active periods, contrasting significantly with 1983 and 1984, when only one or two changes occurred in all of Canada. The years 1991 and 1996 also saw a relatively high level of activity, with 10 modifications in each of those two years.

From 1980 to 1989

Much has been written on the major trends affecting the Canadian economy during these years: globalization of trade, international competition, technological changes, the relative stagnation and decline of the traditionally labour-intensive sectors (manufacturing, natural resources and construction), the growing importance of small workplaces, the political shift to the right and neo-conservative policies. Among all these trends one fact is certain: the 1980s were years marked by several economic recessions. The first recession lasted from 1981 to 1983. There followed a recovery, which lasted until 1987, and then a second, shorter recession occurred. A third recession began near the end of the decade and ended only in 1992.

Part-time work had already gained such prominence at the start of the decade that the federal Labour Minister of the time, the Honourable Charles Caccia, appointed a Commission of Inquiry into Part-time Work in February 1982. The Commission's report revealed that 72 per cent of part-time workers in 1981 were women and that the vast majority of them worked, not for "pin money" to buy a few little extras, as was generally thought to be the case, but to supplement the family income to avoid living below the poverty line. (*Part-time Work in Canada*, 1983:103 and fn)

Since 1974, the unemployment rate had increased steadily and remained persistently high, even during periods of sustained economic growth. At the end of the 1980s and into the next decade, Canada had about 1.5 million unemployed workers. In addition, some 760,000 Canadians who were working part-time reported that they desired full-time employment. (*Working Time and Distribution of Work*, 1994:2-3) Part-time workers accounted for nearly 25 per cent of employment, up from 13.5 per cent a decade earlier, and up from 3.8 per cent in 1953. Newspapers increasingly referred to the "jobless recovery".

Working hours continued to decline gradually to the weekly average of 37 hours by the end of the decade, below the legislated standard of 40 hours per week.

"But statistics can be deceiving. The prime reason for the decline in the average hours of work has been that so many more people are working part-time. Full-time workers have retained virtually the same average usual work week – just over 42 hours a week – since 1975. Those working part-time average about 15 hours per week." (*Working Time and Distribution of Work*, 1994:15)

What was the policy response with regard to labour standards? In general, legislators preferred to remain cautious, fearing, among other things, that they would put Canadian businesses at an even worse disadvantage in international markets if they imposed stricter standards that could affect productivity. Legislators essentially continued to improve existing standards by making them more accessible, universal and uniform, while paying particular attention to the better integration of women and part-time workers into the labour market.

Part-time Work

Following the lead of certain other jurisdictions, the federal jurisdiction (1984), New Brunswick (1989) and Prince Edward Island (1989) adapted their standards by repealing entitlement thresholds and by extending prorated benefits to part-time workers. The entitlement thresholds had tended to exclude part-time workers, especially from paid statutory holidays and annual vacations with pay. Nova Scotia made similar changes in 1995.

It is interesting to note that Saskatchewan presented amendments to the *Employment Benefits Act* in 1988 that would have required that an employer provide part-time workers the same fringe benefits, on a prorated basis, as those provided to full-time workers. In addition, this bill would have required that, where overtime hours became available, an employer offer them first to part-time workers, in the order of their seniority, before offering them to full-time workers. However, this bill was not adopted because of the protests that it generated.

Maternity and Adoption Leaves

There was significant activity relating to maternity and adoption leaves during this period. In 1981, British Columbia established an 18-week maternity leave. Prince Edward Island, the last province to provide this type of leave, did so in 1982. In addition to providing a 17-week maternity leave, Prince Edward Island instituted an adoption leave of six weeks .

Another round of amendments would soon follow, the federal government having amended in 1983 the *Unemployment Insurance Act, 1971* with respect to adoption leave. In the following years, all Canadian jurisdictions adopted provisions providing job protection during adoption leave.

Hours of Work

Further reductions in the legislated standard were mandated in the Northwest Territories and in Alberta in 1988. The Northwest Territories reduced the normal work week from 44 to 40 hours and the maximum work week from 60 to 54 hours, while Alberta brought its maximum work day down from 12 to 10 hours. On the other hand, in 1984 New Brunswick repealed its provisions respecting the maximum hours of work per week.

Minimum Wages

A few interesting trends occurred during the 1980s. First, following the publication of the Report of the Special Parliamentary Committee on handicapped persons, the federal government repealed in 1983 the provisions of the *Canada Labour Code* that allowed for handicapped employees to be remunerated, under certain circumstances, at a rate below the minimum wage rate. All similar provincial provisions have since been repealed. Second, following the adoption in 1982 of the *Canadian Charter of Rights and Freedoms*, which prohibits discrimination based on age in all relations governments may have with their citizens, the vast majority of Canadian jurisdictions, including the federal jurisdiction, eliminated the minimum wage rate differential between adult workers and young

workers. Third, it is interesting to note that, from October 1986 to October 1989, Ontario and Quebec jointly moved to increase the rates payable to adult workers to the same level in both provinces.

From 1990 to Present

> "Fewer people have the luxury of a stable nine-to-five, Monday-to-Friday job with evenings and weekends at home. Of every 10 Canadian workers, three do not have regular daytime hours. Further, one of every four paid workers do not work a regular weekly work schedule. ... According to the Statistics Canada 1991 Survey of Work Arrangements, almost half the part-time work force have variable schedules, compared with 20 percent of full-timers." (*Working Time and Distribution of Work*, 1994:16)

The Conference Board of Canada reports that in 1999, 50 per cent of Canadians had difficulty reconciling work and family responsibilities, compared to 27 per cent in 1989. Absenteeism due to conflict between work and family responsibilities costs Canadian employers an estimated $2.7 billion in lost time. (Duxbury, Higgins et al., 1999) It has been estimated that stress-related disorders due to overwork cost the Canadian economy $12 billion to $22 billion annually. (Statistics Canada, 1996 General Social Survey)

The Statistics Canada 1998 General Social Survey reported that one in two Canadians between the ages of 25 and 44 who have children are working so many hours that they are not able to spend enough time with their family. About 85 per cent of full-time female employees in this age group who are married with children, and about 79 per cent of their male counterparts, report that weekdays are too short to accomplish what they set out to do on any given day. Men in this group are reported to work, on average, 48.6 hours per week, while women work, on average, 38.8 hours per week.

What role can legislation still play in regulating working time? In 1994, the Advisory Groups on Working Time and the Distribution of Work proposed to establish the standard work week at 40 hours everywhere in Canada, to give employees the right to refuse overtime, to provide compensatory time off in lieu of overtime pay, and to increase the duration of various leaves in order to better distribute available working time. Others suggested making access to overtime more flexible, based on the logic that "the imposition of more stringent requirements would result in disinvestment in the economy in the longer term, increase unemployment, and be counterproductive." (Ontario Task Force on Hours of Work and Overtime, 1987) You can be the judge of where the balance lies!

Flexibility for Employers and Employees

The federal jurisdiction, British Columbia and Ontario adopted provisions allowing varying standards on, for example, hours of work, overtime and the substitution of statutory holidays. In 1993, the federal jurisdiction established a procedure for permitting the adoption of a modified work week with the consent of 70 per cent of the employees affected. British Columbia did the same in 1995, as long as 65 per cent of affected employees agree. Manitoba's *Employment Standards Code* gives its commission the power to vary the application of the standard hours where warranted. In addition, Ontario (1994) and British Columbia (1995) adopted provisions allowing employers and employees to vary certain standards through collective bargaining if, overall, the provisions of the collective agreement provided rights and benefits at least as favourable to employees. Such provisions also existed elsewhere, notably in the federal jurisdiction.

Moreover, British Columbia (1995), the Yukon (1995) and Manitoba (1999) adopted provisions allowing employers and employees to make agreements respecting compensatory time off in lieu of overtime. Alberta and Quebec also have provisions of this type.

Following Quebec's example of 1990, the Yukon adopted a provision in 1995 giving employees, under certain circumstances, the right to refuse overtime, except in an emergency. In Quebec, it is prohibited for an employer to take measures against any employee because the employee has refused to work overtime in order to fulfil certain family obligations.

Sunday Shopping

During the 1990s, many jurisdictions relaxed the rules on the closing of commercial establishments on Sundays. At the beginning of the century, remember, it was a crime to carry out activities related to earning your daily living on Sundays. From 1990 to 1993, many jurisdictions began by allowing commercial establishments to be open on Sundays during the one or two months preceding Christmas. Quebec, New Brunswick, Ontario, Prince Edward Island, Manitoba and Nova Scotia tried this experiment. To accommodate objections, Ontario, Manitoba and

Quebec also granted employees, under certain conditions, the right to refuse to work on Sundays. Many provinces have since made further amendments and now allow Sunday shopping all year long. This has been the case in Quebec and Ontario since 1992, in Newfoundland since 1998 and in Manitoba since 1999 (in Manitoba, only if the establishment is usually closed on Saturdays).

Part-time Work

Saskatchewan revived the idea that an employer should be required to provide the same benefits, on a prorated basis, to part-time workers as provided to full-time workers. This time the requirement was adopted, in a 1995 Regulation under Saskatchewan's new *Labour Standards Act*.

Reductions in Standard Hours of Work

In 1993, Newfoundland reduced the length of the standard work week to 40 hours for all employees. Previously, only shop employees were covered by this standard, and all others were subject to a 44-hour week. Quebec also reduced its standard weekly hours from 44 to 40, by reducing the work week by one hour per year, every October 1, from 1997 to the year 2000.

Various Leave Provisions

The duration of certain leaves was increased. For example, in 1997, Quebec made available a third week of vacation, without pay, for employees with at least one but fewer than five years of service (after which an employee is entitled to pay). That same year, Newfoundland offered a third week with pay to employees with 15 years of service.

In 1990, Quebec provided a leave of up to five days for family obligations; British Columbia followed suit in 1995.

Following amendments to unemployment insurance benefits in November 1990 – providing 15 weeks' maternity benefits, 10 weeks' parental benefits and 15 weeks' sickness benefits – all Canadian jurisdictions except Alberta have amended their labour standards laws to provide a parental leave available to either parent, whether natural or adoptive, as well as job protection for the duration of that leave. All jurisdictions acted before the end of 1991, except for Newfoundland (1992), the federal jurisdiction (1993), Saskatchewan (1995) and the Yukon (1995).

In addition, the federal government adopted provisions in 1993 respecting maternity-related reassignment and leave for the benefit of pregnant or nursing women, similar to those Quebec adopted in the late 1970s. Quebec further amended its *Act respecting Labour Standards* in 1996 to enact certain elements of its Family Policy related to increasing the parental leave to 52 weeks.

Another round of amendments is about to start concerning the provincial provisions that provide job protection during the parental leave. Indeed, the federal government recently adopted the *Budget Implementation Act 2000*, extending to one year the benefits payable under the *Employment Insurance Act* and the job protection offered under the *Canada Labour Code* for maternity and parental leave.

Minimum Wages

In 1999, Quebec adopted a provision that prohibits discrimination based on date of hiring in the payment of wages, in order to prevent the use of two-tiered systems in the establishment of wage scales.

It is interesting to note that the Government of Ontario adopted a policy in 1990 that would have increased the minimum wage to 60 per cent of the average wage before the end of 1995. At the time, the minimum wage represented 48 per cent of the average wage for 1989. This policy was applied for three consecutive years, bringing the minimum wage to 52 per cent of the average wage, before being abandoned.

This attempt by the Ontario government sheds light on the often delicate nature of the questions raised by the setting of the minimum wage, the means by which governments can preserve the relevance of the process and the considerable attention the topic tends to attract. The fight against poverty is a factor that is often mentioned in relation to minimum wages, as was the case in British Columbia's recent minimum wage increase. (*Review of the Current Minimum Wage and Rates Regulatory Impact Statement,* August 2000, Minister of Labour, British Columbia Government) The 1999 Statistics Canada Labour Force Survey showed that the majority of minimum wage earners were women, and that this was true in almost all age groups. For a number of years, labour and women's groups have advocated the need for the minimum wage to provide at least sufficient income for a worker to maintain him or herself and a dependant. Anti-poverty groups support raising minimum wage levels to $9 to $10 per hour to improve the ability of minimum wage

earners to meet basic living expenses. Minimum wage earners sometimes must work at two or more jobs to maintain their families. However, employers prefer provincial tax cuts or tax credits as a more effective means of providing assistance where it is most needed.

In four provinces – Manitoba, Prince Edward Island, Saskatchewan and Newfoundland – commissions continue to provide advice to the government about the minimum wage rate, often after holding public hearings. Because of their bipartite or tripartite composition, they do a good job of finding the right balance between the interests of employers, employees and society at large, while considering economic conditions, the cost of living and other important factors. In other provinces, it is the Cabinet that decides on the appropriate rate, after consulting or not consulting on the issues. Does this latter approach represent a keener interest and sensitivity to socio-economic issues on the part of decision makers?

Whatever the answer may be, it is evident that labour standards have always reflected the dynamics of the labour market and changing social values. Some might even say that conditions of work have too often been subject to the ups and downs of the economy. Without a doubt, change will continue to occur and many new trends will evolve during the course of the coming years. Canada benefits from having 14 jurisdictions invested with constitutional powers to legislate matters relating to labour law. It should therefore not be surprising that our legislators, taking advantage of the experiences of their neighbours, have become one of the principal engines of social progress. But few people would dare, beyond the immediate future, to even try to predict the direction that change may take.

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EMPLOYMENT EQUITY IN CANADA: WOMEN AND MINORITY GROUPS IN THE CANADIAN LABOUR MARKET

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Employment equity is one of the pillars of Canadian social policy. In 1984 a royal commission recognized that four groups – women, Aboriginal Peoples, persons with disabilities and members of visible minorities – faced barriers in the labour market and designated special measures to correct the situation.

This article will outline the progress achieved by women and the three minority groups in the labour market over the past century, leading to the current Employment Equity Program of the Government of Canada.

Canada has a long tradition of dealing with workplace issues; in fact, the government is currently celebrating the centennial of Labour. Labour legislation has developed in response to labour market dynamics, including the entry of women in great numbers, the increase in the number of visible minority immigrants since 1960, and the need to address workers' rights and barriers facing women and the three minority groups in employment opportunities.

1. Workplace Equity within the Labour Market

Employment equity has deep roots in labour issues. The opening statement of the 1944 Declaration of the International Labour Organization identifies equal opportunity for all citizens in every country as a top priority:

(a) All human beings, irrespective of race, creed or sex, have the right to pursue both their material well being and their spiritual development in conditions of freedom and dignity, of economic security and ***equal opportunity****;*[1]

The International Labour Organization Declaration further affirms the need to remove the barriers facing individuals in the labour market:

(b) The employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well being;

It also emphasized the need to remove barriers to individuals even *before* entry into the labour market:

(c) The assurance of equality of educational and vocational opportunity.

Canadian laws existed as early as the late 19th century to protect women against long working hours and exploitative and unsafe working conditions. Fair wages policies began to appear, as did workers' compensation provisions and guarantees of workers' right to unionize.[2] In 1900, a federal body for labour affairs was established and fair wage policies began to develop across the country. Parliament created a federal body to look at labour affairs in 1909 under the *Labour Department Act.*

In the first half of the 20th century, gender, race and age discrimination issues were not yet on the national agenda. Women and minority groups, including

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[1] *Declaration concerning the aims and purpose of the International Labour Organization*, Part II, "The Philadelphia Declaration," 1944. ILO Web site at http://www.ilo.org.

[2] In 1872, the *Trades Unions Act* and the *Criminal Law Amendment Act* freed unions from charges of criminal conspiracy. *The System of Industrial Relations in Canada, Figure 6.1*, 1993.

persons with disabilities, were, through explicit laws and social values, excluded from employment opportunities or restricted to certain low-paid jobs. Labour legislation at that time benefited able-bodied white males.

The need for more precise labour legislation was recognized early in the century in response to population growth and the rising number of industrial workers. Canada's population doubled between 1901 and 1931 from 5.4 to 10.4 million.[3] But it was not until the 1950s that laws were enacted to prohibit employers and trade unions from discriminating against employees on the grounds of race, colour, religion or national origin. It was also in the 1950s that equal pay legislation was adopted, prohibiting employers from paying women lower wages for doing the same work as done by men in the same establishment. Concurrently, a better understanding developed of the harmful consequences of discrimination in the workplace.

Nevertheless, discrimination against women, visible minorities, Aboriginal Peoples and persons with disabilities was overt in Canada's workplaces. Women had no rights to accommodate their family-related responsibilities, and employers making hiring decisions opted for racial preferences over skills, and for discriminatory biases over merit. This situation lasted for two generations, before governments enacted effective anti-discrimination legislation in the 1970s and 1980s to protect the rights and dignity of women and minorities.

2. Employment Equity

In 1970, the *Canada Employment Fair Practices Act* and the *Female Employees' Equal Pay Act* were incorporated into the *Canada Labour Code*. Supplementing these provisions was subsection 12(2) of the *Public Service Employment Act*, which prohibited discrimination in the establishment of standards for merit in hiring and promotion in the federal public service. In October 1971, Canada adopted a multiculturalism policy, which promotes the respect and preservation of cultural diversity within a bilingual (English and French) framework.

In July 1977, the *Canadian Human Rights Act* was enacted. It stipulates that it is a discriminatory practice to refuse to hire or continue to hire any individual, or in the course of employment to differentiate adversely in relation to an employee, on a prohibited ground of discrimination.

In 1978, the federal government started a voluntary equal opportunity program aimed at private industry, which was expanded in 1979 to companies doing business with the government and to Crown corporations. Between 1980 and 1983, an equal opportunity program was set up in all departments of the federal public service. In 1982, the federal government adopted the *Canadian Charter of Rights and Freedoms*, which accorded all Canadians a constitutional right to equality in employment.

Meanwhile, a royal commission was established in 1983 to study equal employment opportunities. This commission, chaired by Judge Rosalie Abella, tabled a report, *Equality in Employment*, in November 1984. The report states that employment equity "is a strategy designed to obliterate the present and residual effects of discrimination and to open equitably the competition for employment opportunities to those arbitrarily excluded."

In 1986, the federal government responded to the Abella report by proclaiming the *Employment Equity Act* and *Regulations*, covering federally regulated companies with 100 or more employees. These employers operated primarily in the banking, transportation and communications industries. A Federal Contractors Program for Employment Equity was also introduced to cover entities doing business with the federal government. This program covered companies with 100 or more employees that submitted bids or tender for contracts for goods or services valued at $200,000 or more. These employers were obligated to certify their commitment to implement employment equity initiatives in order to be included on the list of suppliers and as a condition of their contract.

[3] Status of Women Canada, *Statistics on Women in Canada throughout the 20th Century*, October 2000, p. 10.

2.1 Canada's Employment Equity Strategy

Under the 1986 *Employment Equity Act*, federally regulated private employers with 100 employees or more were required to develop and implement equity plans and programs that identify and eliminate workplace barriers to women, Aboriginal Peoples, persons with disabilities and visible minorities.

The *Act* did not cover the federal public service and did not include enforcement mechanisms. Thus, in 1991, a committee of the House of Commons was given the mandate to review the *Employment Equity Act* and make recommendations for improvement. The committee heard from all major stakeholders and those with a special interest in equity issues. The committee's subsequent report, entitled *A Matter of Fairness*, recommended the inclusion of the federal public service under the *Act*, the elaboration of guidelines to assist employers in the implementation of the *Act*, and the empowerment of the Canadian Human Rights Commission to monitor and enforce the *Act*.

In the meantime and in anticipation of legislative change, the *Public Service Reform Act*, which was introduced in 1992, transformed voluntary employment equity policies in the public service into mandatory requirements under the *Financial Administration Act* (Section 7) and *the Public Service Employment Act*.

2.2 Overview of the 1995 *Act*

The new *Employment Equity Act* received royal assent on December 15, 1995. The *Act* and its *Regulations* came into force on October 24, 1996, creating a new legislative framework for employment equity that governs both private and public sector employers under federal jurisdiction. These employers were mandated to comply with all the requirements of the new *Act* by October 1997, one year after it had come into force.

The new *Act* extended coverage to the federal public service, mandated the Canadian Human Rights Commission to conduct on-site compliance reviews, and provided for final enforcement, where necessary, by an Employment Equity Review Tribunal empowered to hear disputes and issue orders. The *Act* also ensured that employers under the Federal Contractors Program would be subject to requirements equivalent to those under the *Act* for implementing employment equity. The *Act* also provided for a mandatory parliamentary review of the legislation every five years.

The purpose of the *Act* remained consistent from 1986 to 1995:

> ... achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfillment of that goal, to correct the conditions of disadvantage in employment experienced by women, Aboriginal Peoples, persons with disabilities and members of visible minorities by given effect to the principles that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.

The new *Act* required each employer to:

(a) conduct a workforce survey;
(b) undertake a workforce analysis;
(c) conduct a review of its human resource policies and practices;
(d) prepare an employment equity plan; and
(e) report annually to the government.

The 1995 *Act* was designed to resolve long-standing weaknesses of the 1986 *Act*. The latter's major shortcomings were:

- it covered only a small portion of the Canadian workforce;
- it was felt that the government was imposing the legislation on some employers but not on itself;
- there was no enforcement mechanism for not complying with the *Act*; and
- there was no clear indication of the agency responsible for the implementation, monitoring and enforcement of the *Act*.

In light of these weaknesses, the *Employment Equity Act* was strengthened in the following areas:

- coverage was extended to include the federal public service;

- the *Act* gave the Canadian Human Rights Commission the authority to conduct on-site audits of employers and to verify and gain compliance;

- the *Act* ensured that the Federal Contractors Program requirements, with regard to implementation of employment equity, would be equivalent to those of employers under the *Act*.

The perception of the new *Act* among business and trade unions was positive. Employer organizations regard employment equity as a human resource management tool that helps to attain a representative workforce. Businesses agree that workplace equity makes good business sense and is oriented towards the future. Representatives of designated groups and labour organizations consider employment equity a means to achieve equality in the workplace through the recognition and accommodation of differences.

However, concerns were expressed regarding the implementation of employment equity. These include:

- Costs for organizations – Some organizations were concerned about the costs involved in hiring experts and setting systems up (e.g., to meet the reporting obligation).

- Numerical goals – Some stakeholders perceived the numerical goals as quotas or arbitrary numbers to attain, regardless of the qualifications of candidates. However, unlike the affirmative action programs in the United States, employment equity in Canada aims at removing barriers, using goals as indicators towards achievement of a representative workforce.

- Merit principle – Some stakeholders felt that employment equity would jeopardize the merit principle and would allow the hiring of unqualified candidates. However, qualified candidates do face barriers in the labour market and many Canadians have been denied opportunities because of systemic barriers; hence the need for special measures. Employment equity also requires that merit be respected and that only qualified candidates be considered.

- Consultations – Although labour organizations were consulted, more mechanism collaborations were needed.

- Controversy – Some stakeholders were concerned about the controversial nature of the legislation and warned about a backlash.

Key Guiding Principles in the ***Employment Equity Act***

FAIRNESS
All Canadians, regardless of their personal characteristics, should be able to enter the workforce and advance according to their ability.

FLEXIBILITY
The best method of ensuring compliance with the legislation is persuasion and education, rather than coercion. Employers are asked to make reasonable efforts to implement their employment equity plan. If implemented, the plan should make reasonable progress in achieving employment equity. Any finding of non-compliance entails a negotiated undertaking between the Human Rights Commission and the employer's representative. A Direction is issued by the Commission only if negotiations do not succeed. Either party has the right to ask for the case to be referred to an Employment Equity Tribunal.

SUPPORT
Human Resources Development Canada provides support in terms of resources, information and technical tools to assist employers in understanding and fulfilling their obligations. Also recognized, through the Merit Awards Program, are the efforts and special initiatives of employers in achieving their employment equity goals.

Coverage

- Currently, the *Act* applies to about 340 private sector companies and Crown corporations employing approximately 600,000 people. It also covers the federal public service, which employed approximately 178,000 people in 1999.

- The Federal Contractors Program for Employment Equity requires employers who do business with the Government of Canada to achieve and maintain a fair and representative workforce. It requires companies that employ 100 or more people, and who obtain goods and services contracts valued at $200,000 or more, to implement an employment equity plan that meets the Program criteria. There are approximately 850 companies under the Program and they employ more than one million people.

- Together, the workforce covered under the *Act* and under the Federal Contractors Program represents about 12 per cent of the Canadian labour market (most of the Canadian labour market is under provincial jurisdiction).

2.3 Progress Achieved since 1987

Between 1987 and 1998, the workforce representation of members of the four groups designated under the *Employment Equity Act* has increased.

The representation of women increased from 40.9 per cent in 1987 to 44.3 per cent in 1998, against their labour market availability of 46.4 per cent in 1998. In 1998, women's representation was highest in the banking sector, at 72.5 per cent, and lowest in transportation, at 23.6 per cent.

The representation of Aboriginal Peoples rose from 0.7 per cent in 1987 to 1.3 per cent in 1998, against a labour market availability of 2.1 per cent.

Persons with disabilities experienced a less significant rise in representation from 1.6 per cent in 1987 to 2.3 per cent in 1998, against a labour market availability of 6.5 per cent.

Members of visible minorities enjoyed the most rapid growth in representation of the designated groups. Their representation increased from 5.0 per cent in 1987 to 9.9 per cent in 1998, against a labour market availability of 10.3 per cent. Representation was highest in banking, at 15.3 per cent in 1998, and lowest in transportation, at 5.7 per cent.

Furthermore, the representation of all four groups increased significantly in all regions of Canada between 1987 and 1998. Notably, women's representation almost doubled in Yukon and New Brunswick; Aboriginal Peoples' representation increased significantly in western and northern Canada, while persons with disabilities had the most increase in Ontario and western Canada. Visible minorities had the highest representation in Ontario and British Columbia, where their labour availability is relatively high.

Although persons with disabilities have made some gains in employment since the first *Employment Equity Act* came into force in 1986, they still face many barriers to employment and promotion in the private sector. As the Canadian Human Rights Commission noted in its 1996 annual report, "despite a labour-force availability of 6.5 per cent, the representation of this group has merely inched up from 1.6 per cent to 2.7 per cent." Even that rise was partly attributable to an increase in the number of employees who self-identified as having some form of disability.

Support is increasing in Canada for legislation similar to the 1990 *Americans with Disabilities Act*, which is more comprehensive than similar Canadian legislation. The Province of Ontario repealed its *Employment Equity Act* in 1995 and is currently in the process of enacting a *Persons with Disabilities Act*.

Disability issues were high on the public agenda in Canada in the 1990s. A Task Force on Disability Issues produced a report in 1996 entitled *Equal Citizenship for Canadians with Disabilities: The Will to Act*. In response to the recommendations contained in that report, the federal government, in collaboration with provincial and territorial governments as well as with employers and community organizations, has engaged in efforts to resolve some of the major issues facing persons with disabilities.

Hirings and Promotions

In the early years of the government's employment equity program, designated groups were more likely to work in clerical occupations than were other employees. However, this concentration has decreased since 1987 and designated groups are increasingly moving toward occupations with more responsibilities and chances for advancement.

For instance, more women are now in supervisory and managerial positions, and more visible minorities are in middle management and professional occupations.

Employers succeeded in increasing the designated groups' shares of hirings and promotions between 1987 and 1998.

In 1998, women accounted for 41.4 per cent of all hirings in the workforce under the *Act* and won 55.0 per cent of all promotions. Aboriginal Peoples accounted for 1.4 per cent of all hirings and 1.5 per cent of all promotions, almost doubling their shares compared to 1987. Persons with disabilities had 0.9 per cent of hirings and 1.8 per cent of promotions in 1998.

Visible minorities fared very well, accounting for 12.1 per cent of hirings in 1998, against a labour market availability of 10.3 per cent, and 14.1 per cent of all promotions against a representation in the workforce under the *Act* of 9.9 per cent. The shares were 4.8 per cent and 7.3 per cent respectively in 1987.

Yet more progress is needed in the representation of designated groups in all occupational groups and industrial sectors across Canada.

2.4 Looking to the Future

We live in a world of new technology, converging international markets and dynamic trading arrangements. This environment is having a deep impact on the workplace and on the types of occupations in the Canadian labour market. It is shaping the way we view labour standards, employment equity, occupational safety and health, wage structures, and the role of government, unions and employers.

Working women live in a multidisciplinary environment where multi-skilled workers are becoming more common in the workplace. Women are gradually moving out of those occupations that are deemed traditional for them, into engineering, trades, and medical and managerial jobs.

In a world of global competition, relevant skills are becoming scarce and no country, certainly not Canada, can afford to discriminate against its talented visible minority workforce.

In its annual report for the year 2000, the International Labour Organization warned that the process of globalization is hurting workers' rights and eroding gains in the workplace. The report explains that many countries do not have legislation and programs in place to prepare them for the worst-case scenarios. Some countries do sign on to international agreements but then ignore them. The outcome is a lack of preparedness to face a competitive world, a decline in labour standards, and a rise in discriminatory practices.

Canada has programs and legislation in place to make it immune to the negative impacts of globalization on individuals.

Conclusion

The changing realities of the workplace have pushed women and other minority groups to the centre of the labour agenda in Canada. The Canadian labour force is dynamic and rapidly changing, as women's participation rises and as women increasingly take on non-traditional occupations. Visible minorities will grow over the next decade and will provide an important pool of skilled labour. Canada continues to modify its policies and programs to tap the full potential of this increasingly diverse workforce.

Workplace equity leads to better human resources management systems, as staffing and career planning become barrier-free to all skilled people.

Employment equity is good for business. This is true not only from a client service perspective but also from a productivity perspective. Employment equity enables skills and human resources to be diverted to where their contribution will be maximized.

Full participation in a global economy depends on the skills of all. Markets are expanding and discrimination is costly to the country that does not remove barriers and implement corrective measures.

THE WORKPLACE OF THE FUTURE

Kamal Dib
Labour Standards and Workplace Equity
Labour Program, Human Resources Development Canada

What kinds of workers are available for the new economy?
What are the challenges facing human resources development?
How will Canada respond to globalization?

Two seminars were held at Labour Operations Directorate, Labour Program, in July and August 2000, at National Headquarters, entitled "Globalization and the Workplace." They were hosted separately by Gerry Blanchard, Director General, and Neil Gavigan, Director, Labour Standards and Workplace Equity, moderated by Rich Watson, Manager, Data Group, and presented by Kamal Dib, a senior officer in the Data Group.

This article summarizes the main issues discussed at the two seminars.

The Disappearance of Specialization in the Workplace

Globalization is the convergence of world economies, technologies and cultures into a single marketplace. It has already happened, during the last century, and now we are looking beyond globalization to standardization of labour markets, wages, production processes, trade relations, technology flows, and so on. The information society, like globalization, is also a creation of the last century.

Workers with few skills are leaving factories, to be replaced by multi-skilled workers, robotics and technology. The "routinization" of tasks is giving way to multi-tasked workers who use a computer to do their assigned duties, and perform work previously done by several different people. Jobs that involve repetitive tasks, such as word processing, reception and assembly line work, are increasingly disappearing. The information revolution has destroyed specialization.

Thanks to technology, there is no downtime in organizations. Managers no longer wait for a letter to be typed by a secretary, and workers no longer stand by at the assembly line for three hours because there is nothing coming their way. In a multi-tasked environment, there is always plenty to do. Tasks per worker have multiplied and salary costs have mounted.

In the 20th century, neurosis – due to hierarchy and tight supervision – was the main health problem. In the 21st century, depression will be the main health concern, as workers become increasingly responsible and accountable for their own work.

Contrary to the thinking of classical economists – who say that specialization is the source of prosperity and comparative advantage – the world is moving towards a convergence of professions and the absence of specialization.

Today what everyone is doing is coming closer to what everyone else is doing. Everyone is developing a mix of skills and becoming equal in productivity. A bank teller, supposedly to be replaced by the ATM, now sells securities and investment products, reviews credit, exchanges foreign funds, runs computer searches and queries, and takes deposits and withdrawals. No matter how unique an occupation is, it still shares a myriad of skills with many other occupations.

> *"We may be tempted to believe that the global situation exerts only a secondary influence on our daily work, and then only slowly. We may also think that it is related to the future. But we have already absorbed globalizing influences in many aspects of our daily activities and the files that we work on. We already live in this world that we always thought of as the future."*
> (Seminar Participant)

The Disappearance of the Economics Profession

Economists are hired into the public sector, and less into the private sector in Canada. They do impact analysis of programs and legislation, and of revenues and expenditures. Governments and politicians rely more these days on economic analysis for sound decisions.

Yet universities are encountering difficulties in recruiting high school students into undergraduate economics programs. Students head into multidisciplinary programs in administration and information technology and certain programs in science and engineering.

Many elements from economics are now part of MBA training, and MBA/MPA graduates today have similar skills to economists in certain areas, such as project management, strategic planning and policy.

In 1990, there were 4,202 economics graduates from Canadian universities. By 1996, this number had dropped to 3,179, a loss of 24.5 per cent.

The Knowledge Economy

Modern economies are now measured by the contribution of know-how to the gross domestic product. More and more, economic growth is being driven by innovation.

Those with a better education are more likely to find jobs. In the past few years in Canada, 2.25 million jobs went to persons with university or other post-secondary education and 139,000 jobs went to those with secondary education. Almost a million individuals with primary or no education lost their jobs in the same period. Unemployment among persons with higher levels of education is lower than unemployment among those with little or no post-secondary education.

The Shortage of Human Capital

Productivity has increased drastically in the past few years, but knowledge-based workers are becoming scarce. Globalization requires the domestic economy to be based on know-how and high technology, but there are not enough graduates to meet rising demand in the labour market for certain skills.

The needs of private sector industries for growth-oriented investment in human resources should not blind long-term planners to the need to pursue new employees with a balanced education. Graduates in social sciences and administration experienced the fastest growth in employment in Canada in the period 1991-1996. However, more students have moved to vocational training schools and colleges in recent years.

> *"I am thinking here of a world of new technologies, converging international markets and trading arrangements, and the impact on the types of occupations in the Canadian labour market, and on the industrial consolidation that we have witnessed in the past 10 years. For instance, the open-sky concept led to a decline in the number of national air carriers in Canada from seven to one. Similar moves have occurred in banking, telecommunications and other economic sectors. Statistics Canada is expanding its listings of occupations and industries in response to this new economy."*
> (Seminar Participant)

Canadian universities granted 128,000 bachelor degrees in 1996, 25,000 more than in 1987, a gain of 24.2 per cent.

There was a strong movement of students towards some disciplines and away from others. General degrees in Science rose from 899 in 1990 to 1,392 in 1996. Physical Education dropped from 2,299 in 1990 to 1,974 in 1996, but Human Kinetics, a related field, rose from 358 to 956 in the same period. Business Administration is a classic example of a multi-skill field of study. It was a big attraction, rising from 13,533 to 14,388 graduates. The more specialized field of Health Administration dropped from 320 to 28. Civil Engineering increased from 949 to 1,609 and Other Engineering increased from 755 to 1,230.

Globalization and the Linguistic Profile of Canadians

In a global market, countries with knowledge of more languages fare better. Aside from the two official languages, Canadians have a stock of heritage languages that could be exploited in the new economy.

The linguistic profile of Canadians whose first language is neither English nor French is: Chinese, 21 per cent; Italian, 18 per cent; German, 16 per cent; Spanish, 12 per cent; Portuguese, 6.0 per cent; Arabic, 5.0 per cent; Polish, 6.0 per cent; other, 16 per cent.

The linguistic profile of Canadians with a first language other than English or French differs among provinces. In Quebec, the top two other languages are: Italian, 24 per cent and Spanish, 24 per cent. In Ontario: Italian, 20 per cent and German, 12 per cent. In British Columbia: Chinese, 35 per cent and other Asian, 14 per cent. In Saskatchewan: Aboriginal languages, 28 per cent and Ukrainian, 23 per cent.

To compare Canada's linguistic profile to its international trading partners, Japan accounts for 14 per cent of Canada's international trade; Germany, 7.0 per cent; France, 5.0 per cent; Britain, 4.4 per cent; China, 3.2 per cent; Italy, 4.0 per cent and Spain, 2.0 per cent.

These patterns are dictated more by the importance of these trading nations than by the stock of heritage languages in Canada. For instance, Japanese figures less prominently in Canada's linguistic stock than other languages, but trade with Japan is very important.

Human Capital and Labour Migration

Immigration is a positive factor in the Canadian economy. It contributes skills and replenishes the declining population. Canada received 150,000 immigrants in 1972; the number had risen to 225,000 by 1996.

The achievements of immigrants in Canada vary from period to period. In the 1950s and 1960s, immigrants achieved good salaries and relatively easy integration. This has become a longer and more difficult process since the 1970s. It took immigrants five to six years to achieve good salaries in the 1950s and 1960s, but the length of time has increased to 13 to 15 years in the past three decades.

Economic migrants, refugees and persons reuniting with their family represent a growing portion of total immigration. The changing patterns of immigrant source countries, away from Europe and toward Asia, Africa and Latin America, may lead to discrimination in the labour market, especially against visible minorities; and may account for the changing structures of the labour market, where many immigrants suffer higher unemployment rates and lower salaries compared to earlier immigrants.

Brain Drain – Some analysts say that the brain drain is a serious problem, especially the exodus of Canadian talent in specific sectors to the United States. The search for talented human resources is currently the greatest challenge facing major global corporations. It is important to monitor the migration patterns of highly skilled knowledge workers in order to design programs to benefit the Canadian economy.

The Impact of Aging

The Canadian labour force is experiencing a reduction in the number of years of active participation per worker.

In 1921, the average person entered the labour force at age 17.5 years, retired at age 62.7, and died at age 67.7. This person spent 45.2 years in active participation in the labour force, and 4.9 years in retirement.

The average age of a person entering the labour market in 1986 was 20 years. That person will retire at age 65.5 and die at age 73.8, thus spending 39.4 years in active labour force participation and 13.5 years in retirement.

The additional years of life expectancy have added to the cost of old age and health care benefits and pensions. The Quebec population is aging more rapidly than the rest of Canada.

However, there were more Canadians, in percentage terms, employed in the second half of the 20th century than in the first half, as women joined the workforce in big numbers starting in the early 60s. Also, workers in the second half of the 20th century had more tools and technology and better labour and safety standards. In the first half of the century, there was more exposure to workplace hazards (owing to greater employment in workplaces such as railroads and mines), as well as more accidents and disease).

Women's participation will continue to increase in all occupations, considering health, education and life expectancy factors. In certain occupations women are the majority, accounting for up to 80 per cent of persons in some jobs. But women constitute a small minority, not more than 20 per cent, in other occupations, especially in the trades.

Retired persons in Canada rely more on government transfers now than they did in the past. In 1967, 62 per cent of revenues to aged persons came from government transfer payments. In 1997, the figure was 68 per cent. Meanwhile, the percentage of personal contributions to private saving plans has remained virtually unchanged since 1972. A worker still contributes approximately the same share of income to these savings instruments today as a worker did in 1972. The cost to government of health care as a proportion of social services is expected to increase from 13.5 per cent in 1994 to 17.2 per cent in 2031, and the cost of pensions is expected to rise from 5.2 per cent to 11.6 per cent. This situation could become more acute, as personal incomes may deteriorate with aging and dependency on social assistance.

"These changes will shape the ways we view labour relations, wage structures, education, and the role of government, the unions and employers. They will also influence the four employment equity designated groups. Think of women in the workplace in a multidisciplinary environment; think of visible minorities in Canada in the context of a global workplace where relevant skills are becoming scarce; think of persons with disabilities and the aging population in Canada and the demand on health and social services. Think of Canada's Aboriginal people and the impact of globalization on the local culture and on Canadian society in general." (Seminar Participant)

FIRST NATIONAL AWARDS OF EXCELLENCE IN DISABILITY MANAGEMENT

National Institute of Disability Management and Research

In September 2000, the first annual awards gala was introduced by the National Institute of Disability Management and Research and major Canadian business, labour and government sponsors. These awards recognize both organizations and individuals who have helped put the ability back into disability and will celebrate programs built on the principles that the Institute and other researchers around the world have found to be instrumental in successful workplace-based disability management.

The award categories and winners are as follows:

Award Categories	Award Winners
Small Organizations/Workplace	Chemainus Sawmill Unit (Weyerhaeuser)
Large Private Organization/Workplace	Canadian Pacific Railway
Crown Corporation/Government Agency	City of Medicine Hat
Private Sector Service Provider	The Co-operators
Public Service Initiative	City of Edmonton Advisory Board on Services for Persons with Disabilities
Return to Work Coordinator/Disability Management Professional	John Hewitt, Workers Compensation Board of British Columbia (posthumously)
Outstanding Public Leadership	Neil Weatherston, Insurance Corporation of British Colulmbia

For more information contact:

National Institute of
Disability Management and Research

Telephone: British Columbia (250) 724-4344/8745
or Ontario (613) 260-2951

Fax: (250) 724-8776
Web site: www.nidmar.ca

THE LABOUR PROGRAM AND THE INTERNATIONAL LABOUR ORGANIZATION: LOOKING BACK, LOOKING AHEAD

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This 100th Anniversary issue of the Workplace Gazette presents us with an excellent opportunity to trace the history of the Labour program's involvement in the International Labour Organization (ILO). As readers may know, this is not the first such review. In the 50th Anniversary issue of the Labour Gazette: John Mainwaring, then Assistant Editor, in his article entitled "Canada and the World Movement towards Social Justice" traced the growth of the ILO and Canada's relationship to the Organization from the beginnings, through the 1930's depression years and World War II and ending with the early post-war period.

In his second article on the subject within the 75th Anniversary of Labour Gazette, John Mainwaring, then Director of International Labour Affairs with Labour Canada, a position he held from 1964 to 1980, highlighted the changing dynamic of the previous 25 years, both for the ILO as an organization, and for Canada's participation in the ILO as a member State through the Department of Labour. In retirement, John Mainwaring also provided a detailed and highly illuminating history in his 1986 book "The ILO: A Canadian View", published by Labour Canada.

Importance of the International Labour Organization

The ILO was created in 1919 mainly to adopt international standards to address the problem of labour conditions involving "injustice, hardship and privation." The Organization's standard setting mandate was later broadened to include more general, but related, social policy, human and civil rights matters. During World War II, Canada provided a safe haven for the Organization in Montréal. The ILO is the only tripartite United Nations organization – it became a UN specialized agency in 1946 – with representatives of governments and workers' and employers' organizations participating in its administration and activities.

Today, the ILO has 175 member States, representing industrialized and developing countries as well as countries in transition (former Eastern Bloc countries). In addition to its traditional standards-setting functions, the Organization carries out a broad range of activities such as providing assistance to developing countries in training their labour forces and strengthening their labour administration systems, research and publications on labour and employment issues, meetings dealing with particular sectors or branches of the economy, etc.

Underlying many of the ILO's current activities is a focus on the Organization's mandate to deal with the social dimensions of globalization. As globalization and trade liberalization has increased, governments have become less able to deal with societal and labour market issues through traditional domestic regulatory means. With growing domestic and international concerns about downward pressure on labour standards, the ILO has become more and more important for Canada and world-wide.

International Labour Standards

Perhaps the best-known of the ILO's activities is its setting of international labour standards. The ILO adopts labour standards in the form of Conventions, international treaties subject to ratification by ILO member States, or Recommendations, non-binding guidelines for national policy and action. International labour standards are the result of a unique process involving "international collective bargaining" among representatives of governments, employers and workers from around the world at annual ILO conferences.

The standards provide a global model for workplace rights and responsibilities and are intended to have a concrete impact on working conditions and practices in every country of the world. The process of developing them has a value all its own, since the preparatory research, consultation and tripartite discussion focus attention on benchmarks for member States to aim at.

From a wider perspective, international labour standards contribute to the creation of democratic conditions and development. They play a major role in helping to offset potentially negative effects of international competition which, some argue, tend to be an obstacle to improved conditions of labour. International labour standards are key in meeting the challenge posed by globalization by reaffirming the value of social justice.

There are a number of principles under the ILO Constitution and in the ILO's "Declaration on Fundamental Principles and Rights at Work", adopted in June 1998, which member States are bound to promote and respect whether or not they have ratified specific Conventions on these subjects. These fundamental principles – freedom of association and collective bargaining, the abolition of forced labour and child labour, and the elimination of discrimination in employment and occupation – are also embodied in eight "core" Conventions.

The Labour Program's involvement in the International Labour Organization

As a founding member and member of the ILO's Governing Body, Canada has been one of the most active and constructive members over the past 80 years, working consistently in support of the Organization's aims, values, and tripartite structure. During all of this time, it has been among the major responsibilities of Labour Canada, today the Labour Program of Human Resources Development Canada, to manage Canada 's participation in the ILO and to develop the government's positions on ILO-related issues in consultation with the provinces, territories, and social partners. The Labour Program works closely with officials of the Department of Foreign Affairs and International Trade both in Ottawa and at the Canadian Permanent Mission to the United Nations in Geneva to ensure effective representation and involvement.

Early Challenges

The early challenges included the problems of determining how ILO Conventions and Recommendations which dealt with issues falling within provincial and territorial as well as federal jurisdiction could be applied and ratified by Canada, developing Canadian government positions on draft ILO Conventions and Recommendations taking into account the views and positions of the main Canadian players-federal departments and agencies, the provinces and territories, and Canadian worker and employer organizations, and the problem of accommodating provincial/territorial interests in ILO Conferences and meetings dealing with subjects falling under their jurisdictions.

These problems were partially addressed in the early years by developing processes whereby provincial officials are included on Canadian delegations to ILO meetings where subjects for standards falling under provincial jurisdiction are discussed and the provinces and social partners are consulted in developing government positions.

Employer and Worker Perspectives

The Constitution of the ILO requires that governments consult " the most representative" organizations of employers and workers. In Canada these are currently the Canadian Employers Council, the Canadian Labour Congress and the Confédération des syndicats nationaux. A key principle adopted early on by the ILO is that of the "autonomy of the parties " which means that the ILO does not expect that all three parties, government, employers, and workers will always agree on international labour issues but does require that the parties have meaningful exchanges and consultations on these issues.

In the Canadian context during the early period, the broad outlines of the different perspectives of Canadian worker organizations and employer organizations regarding Canada's participation in the ILO, familiar to us today, began to emerge.

Participation in the ILO was valued by both Canadian employers and Canadian workers but with different emphasis and purpose. For Canadian workers, Canada's participation in the Organization has offered a vital "window on the world". It has provided the Canadian labour movement with an opportunity to

support the international trade union movement's promotion of social protection, improvements in working conditions and respect for human rights and could be used domestically to pressure for improved standards and to increase public awareness of Canadian labour issues.

On the other hand, Canadian employers, while supporting the general aims of the ILO, voiced concerns regarding the cost of implementing international labour standards and their impact on attracting investment and on Canada's international competitiveness. In later years, employers were to increase their interest in ILO activities as a source of collaboration with employers internationally on issues of common interest, and a potential source of marketing and trade opportunities. In recent times, employers are aware of potential benefits in the Organization's new emphasis on business and employer concerns.

Ratification in the Early Years

The issue of ratification emerged early on as a difficult nut for Canada to crack. Although only the federal government has the authority to ratify an ILO convention, implementation of many conventions falls under both federal, provincial and territorial jurisdictions, given the division of powers under the Constitution.

In the early years of Canada's involvement in the ILO, there was a lack of clarity on where the implementing authority lay. Also, several of the early Conventions which the ILO had adopted, on the eight-hour day, maternity protection, abolition of night work for women and young persons, minimum age, or measures against unemployment set out in Convention 2, were ahead of Canadian law and practice of the time on those issues. The result was that the first four Conventions which Canada ratified, in 1926, were on standards for maritime workers, under federal jurisdiction.[1]

A landmark event which influenced the Canadian, and in particular, the federal Department of Labour's approach to ratification of ILO Conventions was the 1937 decision of the Judicial Committee of the Privy Council in the Labour Conventions Case. This decision confirmed that Canadian legislation implementing ILO Conventions was for the federal government, provincial governments, or both, to adopt depending on the constitutional jurisdiction which applied to the subject matter of the Convention. The federal government could not adopt legislation which purported to implement, for the whole of Canada, ILO Conventions regulating wages, working hours and rest days in industrial undertakings.[2]

This decision, or more accurately, its interpretation inhibited for almost 30 years, any ratification by Canada of ILO Conventions whose subject matter fell partly within federal and partly within provincial jurisdictions. Between 1938 and 1959 Canada did ratify 11 Conventions but 10 of these were on subjects under federal jurisdiction.[3] The eleventh, Convention 105 on the Abolition of Forced Labour, although technically falling under both federal and provincial jurisdictions, was considered not to require implementing legislation since there was no forced labour in Canada.

It was not until the 1960's and '70's, as the federal and provincial governments began to work more closely together on ILO matters and the meaning of the Labour Conventions case was reevaluated, that Canada was able to ratify several Conventions falling under both federal and provincial jurisdictions. Although few in number these included the key ILO Conventions 111–Discrimination in Employment and Occupation, 1958, 122–Employment Policy, 1964, 87–Freedom of Association and Protection of the Right to Organize, 1948 and 100–Equal Remuneration, 1951.

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[1] Conventions 7–Minimum Age (Sea), 1920, 8–Unemployment Indemnity, 1920, 15–Minimum Age (Trimmers and Stokers), 1921, and 16–Medical Examination of Young Persons (Sea), 1921.

[2] The Conventions involved in the case were Conventions: 1–Hours of Work (Industry), 1919,14–Weekly Rest (Industry), 1921 and 26–Minimum Wage-Fixing Machinery, 1928. All had been ratified by the federal government in 1935 and in the same year Parliament had enacted implementing legislation purporting to be applicable across Canada.

[3] Of the 10 conventions seen as involving only federal jurisdiction, eight concerned maritime workers and two were respectively on labour statistics and a public employment service.

The approach which evolved was to ratify ILO Conventions on issues that come under federal, provincial and territorial jurisdiction only if all the administrations, now 14 in number, agree to ratify and implement the conventions without reservation. Of course, this unanimous consent has made the process very challenging for the Labour Program to manage and is one of the reasons why Canada has ratified relatively few ILO Conventions, 28 out of 183.

The Last Twenty Years

The Labour Program continued its active involvement in the ILO through the1980s and '90's.

International Labour Organization Regional Conference in Montréal

Among the highlights of this period was Canada's hosting, in 1986 in Montréal, of the 12th Regional Conference of American States members of the ILO. This was the second such ILO Regional Conference to have been hosted by Canada, the first having taken place in 1966, in Ottawa. The 1986 Conference brought together some 500 participants, including tripartite delegations from 30 ILO member States and discussed ILO-related developments in the Americas, rural development and indigenous populations, and labour relations.

Tripartite Canadian delegations attended the 13th and 14th Regional Conferences of American States held respectively in Caraballeda, Venezuela and Lima, Peru. At the latter, delegates discussed the report of the new ILO Director General, Juan Somavia, entitled *Decent Work and Protection for All* in the context of globalisation and economic integration.

Ratifications

The Labour Program, in consultation with other interested federal departments, provincial and territorial governments, and with employers and workers organizations, successfully managed Canada's ratification of four ILO Conventions during this period: 162–Safety in the Use of Asbestos in 1988; 147–Minimum Standards in Merchant Ships, in 1993; 160–Labour Statistics, in 1995; and most recently, last June, Convention 182–Elimination of the Worst Forms of Child Labour, which the ILO had adopted the previous year.

This last ratification, happily coinciding with the 100th Anniversary of the Labour Program, was filed by the federal Minister of Labour the Honourable Claudette Bradshaw at the June 2000 ILO Conference. The ratification by Canada of the Worst Forms of Child Labour Convention was doubly significant since the Convention is one of eight core labour Conventions of the ILO, and its quick ratification by Canada, among the 27 countries to ratify the Convention within the first year of its adoption, signaled the government's strong commitment to working with its international partners to eliminate abusive child labour and to protect the rights and well-being of children. Canada has supported the ILO's International Programme for the Elimination of Child Labour for a number of years, and in June 2000, the Government of Canada committed a further 15 million dollars over five years to support ILO programs aimed at eliminating child labour worldwide.

The Declaration's fundamental principles and rights are embodied in eight fundamental ILO Conventions which Members are encouraged to ratify. Canada has ratified five of the eight fundamental ILO Conventions and the Labour Program is in the last stages of consultations with the provinces and territories on ratification of ILO Convention 29 on Forced Labour.

The two other non-ratified Conventions are 98 on the Right to Organize and Collective Bargaining and 138 on Minimum Age for Employment. Although Canadian law and practice are generally in conformity with Convention 98, there are a few regional anomalies, such as the exclusion of agricultural workers and certain groups of professionals from the collective bargaining regimes in a number of jurisdictions, which the ILO considers to be non-compliant. As for Convention 138, while child labour is not considered a problem in Canada, Canadian laws do not comply with all the provisions of the Convention. For example, no Canadian jurisdiction prohibits children under 12 from engaging in all work, including light, age-appropriate forms.

Managing Canada's Involvement in ILO Reform

The Labour Program has also been very much involved in ensuring Canada's active support for the ILO process of modernization and reform of the Organization's structures, procedures and methods of work.

Lucille Caron, Director of International Affairs in the Labour Program for 15 years, presided over a working party set up by the ILO Governing Body to undertake the difficult and politically delicate task of a package of reforms concerning the International Labour Conference, reforms of which Canada had been one of the chief advocates. Lucille Caron was subsequently appointed to chair another working party set up to propose reforms in the functioning of the Governing body itself.

The ILO's group of industrialized market economy countries composed of Western European member States, Japan, Australia, New Zealand, Canada and the United States has been permanently chaired by Canada since it was established in 1976, and has become a strong policy advocacy group, in particular on budgetary reform and standards revision.

An essential part of the ILO's modernization and renewal efforts has been its review of its standard-setting activities, with the goal of making them more effective and responsive to the demands of the new global economy and ultimately enhancing the ILO's credibility. Lucille Caron played a major role in developing IMEC positions on standards reform and served as Chairperson of the ILO Governing Body's Committee on Legal Issues and International Labour Standards.[4]

In 1997, the Labour Program ensured that Canada was one of the first countries to ratify an amendment to the ILO Constitution to allow the abrogation of obsolete Conventions, and which was used for the first time at the 2000 ILO Conference to withdraw four obsolete Conventions concerning hours of work and one relating to migrant workers.

An integral part of the ILO's current approach to reform and modernization under Director General Juan Somavia, is the Organization's adoption, strongly supported by Canada, of four strategic objectives by which the ILO is to develop its programs and policies. These objectives, the strengthening of labour standards and fundamental principles and rights at work, employment promotion, social protection, and improved social dialogue and tripartism, will contribute greatly to the ILO's ultimate goal of decent work for all.

Trade and Labour Standards

Recent years have seen increasing pressure on governments to use the rules of the international trading system to provide enforcement mechanisms to address concerns regarding labour standards, human rights and other social issues in the new globalization environment.

The Government of Canada has favoured working through the ILO to promote compliance with core labour standards. At the same time, the government has promoted dialogue at the international level on the social dimensions of globalization, closer cooperatiion between the ILO and other international organizations, and greater social and economic policy coherence at the international level.

Canada has supported and participated in the ILO's Working Party on the Social Dimensions of the Liberalization of International Trade which examines broad policy issues related to the social dimensions of the liberalization of international trade. As well, Canada chairs a Governing Body Subcommittee on Multinational Entreprises which examines the effect given to the ILO's 1976 Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, considers requests for interpretation of the Tripartite Declaration, and monitors MNE-related activities in the ILO and in other organizations.

The ILO Declaration on Fundamental Principles and Rights at Work and Follow-up Procedure

In line with the government's approach to the trade and labour standards debate, the Labour Program played a major role in Canada's participation in the development and adoption in June 1998, of the ILO's Declaration on Fundamental Principles and Rights at Work and its Followup procedure.

By way of background, the World Summit on Social Development, which took place in Copenhagen in 1995, identified the ILO as a key player in the promotion of core labour standards worldwide. As well, at the first Ministerial Conference of the World Trade Organization in Singapore in December 1996, the Ministers of Trade issued a Statement in which, while

[4] While the main focus of this article is on the Labour Program' s involvement in the International Labour Organization, numerous Canadian employer and worker participants played a key role historically in the work of the Organization over the years. Some examples among employers are Harry Taylor, Allan Ross, Allan Campbell, Tom Robinson, and Keith Richan. Among major players on the workers side, Claude Jodoin, Kalmen Kaplansky, Joe Morris, Shirley Carr and Jean Marchand, come to mind. This impressive tradition is being carried on by Jean-Claude Parrot and Jim Lawson, who are, respectively, the current Canadian worker and employer spokespersons at the ILO.

agreeing that the comparative trade advantage of countries, particularly low-wage developing countries, was not in question, they renewed their commitment to the observance of internationally recognized core labour standards and recognized that the ILO was the competent body to deal with these standards.

The onus was then on the ILO to demonstrate its credibility as a key player on the social dimensions of globalization, which provided a critical window of opportunity for the ILO as well as for countries like Canada who supported strong action on core labour standards in the ILO.

In June 1998, the International Labour Conference (Canadian Ambassador Mark Moher was Chair of the Conference Committee) adopted the ILO Declaration on Fundamental Principles and Rights at Work and its Followup. The Declaration clarifies the nature and extent of the obligations contained in the ILO Constitution which all members are bound to uphold by virtue of their membership. It will be recalled that the fundamental principles and rights are: freedom of association and the right to organize and bargain collectively; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation.

In line with its strictly promotional nature, the follow-up procedure accompanying the new ILO Declaration is designed to encourage the efforts of Members to implement the Declaration's principles, to allow for the identification of areas in which ILO technical cooperation activities may prove useful to Members to help them implement the fundamental principles, and to assess the effectiveness of the Organization's action in this area.

The Declaration package serves as a promotional instrument to increase transparency and accountability on adherence by member States to workers' fundamental rights. It is hoped that the application of the principles contained in the Declaration will greatly contribute to improving the living conditions of the workers and their families. As the century drew to a close, the Labour Program successfully managed the government's provision of comprehensive information on Canadian legislation and practice for the first Annual Reports under the Declaration follow-up. At the June 2000 ILO Conference, the Minister of Labour, the Honourable Claudette Bradshaw, participated in discussions on the first Global Report under the Declaration.

Management of Canadian Government Responses to Complaints

A further major activity of the Labour Program during the past 20 years has been the management of the preparation of Canadian government, federal or provincial/territorial, responses to freedom of association complaints under a process established by the ILO in the early 1950s.

The ILO's freedom of association complaints procedure provides for the submission of complaints by national or international associations of workers or employers alleging non-conformity with ILO principles on freedom of association and collective bargaining and their examination by a tripartite body, the ILO Committee on Freedom of Association. Complaints can be submitted against all member States, regardless of whether or not they have ratified the relevant ILO Conventions. This is because freedom of association, covered under Convention 87, ratified by Canada and collective bargaining, covered under Convention 98, on the Right to Organize and Collective Bargaining, not ratified by Canada are among the principles set out in the ILO Constitution, which all member States must adhere to. Where the complaints involve provincial legislation it is the provincial government which prepares a reply, in consultation with the Labour Program on applicable ILO principles.

Nearly half of the complaints against Canada involved wage restrictions imposed by federal and provincial governments in the public sector, mainly in the mid 1980's and early '90s. The other half has involved issues ranging from return-to-work measures in the public and private sectors to restrictions on the right to strike and to bargain collectively, particularly in the public sector.

On the one hand the Labour Program has traditionally viewed this specialized ILO supervisory machinery as an essential part of the ILO's role and the frequency of complaints as an indication of the vitality of democratic institutions in countries such as Canada which permit freedom of expression in the international scene without fear of retaliation. On the other hand, however, there have been at times sharp differences with the ILO on what appear to be narrow approaches on such issues as the definition of "essential services" in which strikes may be prohibited or restricted.

Challenges and Opportunities in the 21st Century

Many of the issues that first led to the establishment of the ILO are still important to large numbers of working people around the globe who suffer discrimination in employment or lack decent working conditions. At the same time, the ILO is continuing to examine ways of improving and modernizing its standard-setting activities.

Globalization has stimulated the growth of non-standard types of work and of new forms of employment relationships. One of the major challenges faced by the ILO has been to examine how to ensure protection for such workers globally while for Canada, ILO discussions on this issue have provided an opportunity to focus on whether or not Canadian legislation and practice provides adequate protection.

Another opportunity for Canada is the ILO's new emphasis on business and employer concerns. Employment is at the core of the ILO's mandate and the Organization recognizes that successful enterprises are at the heart of any strategy to create employment and improve living standards. The ILO has a wide range of enterprise-related programmes, with particular emphasis on entrepreneurship development, management training and small enterprise promotion. A key initiative is the ILO's In Focus Programme on Boosting Employment through Small Enterprise Development (SEED), launched in January 2000, to help governments, social partners and communities unlock the potential for creating more and better jobs in the small enterprise sector.

As we enter a new Century, it will be timely and challenging for the Labour Program, in working with the provinces and territories and social partners, to reexamine with a view to possibly improving, traditional processes through which the government consults with the major players in developing its positions on ILO issues. Modern realities include an increasing number of ILO items, large numbers of Canadian players to consult, frequently short deadlines, competing priorities and potential resource impacts as well as the need to ensure that government positions reflect a broad range of Canadian views. A positive by product of a renewed review of Canadian consultative mechanisms on ILO issues is that it may enable Canada to ratify a key ILO Convention (No. 144) on Tripartite Consultations to Promote the Implementation of International Labour Standards, adopted in 1976.

Conclusion

Since the inception of the ILO in 1919, Canada has been one of its most active and constructive members. Canada is among the countries with which the ILO has enjoyed not only the longest but the closest and most fruitful relationships.The Labour Program has had the privilege of managing over almost a century Canada's participation in the Organization on behalf of the Government of Canada and in partnership with the provinces, territories, and social partners.

As we look towards the future, the ILO is well placed to play a leading role in ensuring that the social dimensions of globalization are addressed. Globalization and technological change can enhance and improve the lives of people everywhere, when the forces of economic and social progress work together. The Labour Program will continue its work in managing the wide range of activities which make up Canada's participation in the ILO and in particular its support for the Organization's efforts to promote an integrated approach to social and economic development in the 21st century.

CANADIAN ASSOCIATION OF ADMINISTRATORS OF LABOUR LEGISLATION (CAALL)

Martine-Lise Gauthier and Virginia Jakutavicius
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Under the Canadian Constitution, responsibility for labour matters is shared among the federal, provincial and territorial governments. As a result, there exist 14 different sets of labour laws covering a multitude of workplace-related issues, and 14 independent administrative structures. Ongoing federal, provincial and territorial co-operation and information exchange on labour-related matters is, therefore, of critical importance to Canadian workers and employers, and to the Canadian economy.

The Canadian Association of Administrators of Labour Legislation was established in 1938 as a forum for the exchange of information and ideas about the administration of labour legislation in Canada, as well as other labour-related issues. All jurisdictions enjoy equal membership status within the Association. Membership includes the deputy ministers of federal, provincial and territorial departments with responsibility for labour, as well as several chief executive officers of occupational health and safety agencies.

As the Labour Program of Human Resources Development Canada celebrates its 100th anniversary, this is an excellent time to examine the background, structure and accomplishments of a group that has been such an integral part of the Labour Program's history over the years.

Origins

The origins of the Canadian Association of Administrators of Labour Legislation can be traced back to a United States-Canadian institution called the International Association of Government Labor Officials, which was formed in 1914 as a result of the amalgamation of the Association of Chiefs and Officials of Bureaus of Labor (formed in 1883) and the Association of Factory Inspectors (formed in 1887). Canada was a member of the Association of Factory Inspectors.

The International Association's constitution stipulated that the membership would include *"Members of the United States Department of Labor and the Department of Labour of the Dominion of Canada."* Its objectives were *"to encourage the cooperation of all branches of federal, State and Provincial Governments who are charged with the administration of laws and regulations for the protection and welfare of workers; to encourage improvement in the administration of such laws and regulations; to encourage progressive legislation; to encourage cooperation with associations of employees and employers; and, through the exchange of information, to bring about a greater uniformity of laws and regulations and the administration thereof."*

In 1936, A.W. Crawford, Chairman of the Minimum Wage Board of Ontario and the International Association's Chairman, proposed the establishment of a Canadian organization. At an Association conference in September 1937, Mr. Crawford arranged for a meeting of the Canadian delegates to discuss the idea. The Canadian delegates voted in favour of holding their own conference the following year.

That conference, which included all the provinces, took place in Ottawa May 23-25, 1938. The delegates considered two proposals: to form a Canadian section of the International Association or to create a separate Canadian organization. Since the Association's constitution did not contain any provision for the affiliation of a Canadian organization, the delegates chose to form a purely Canadian association structured along lines similar to the International Association's constitution.

The constitution of the Canadian Association of Administrators of Labour Legislation was adopted on June 7, 1939.

Among the objectives of the newly formed Canadian Association were:

- to encourage co-operation among all authorities administering labour legislation in Canada;
- to provide a medium for the exchange of information concerning the aims, objectives, administration and enforcement of labour legislation;
- to encourage and promote the best possible standards of law enforcement and administration; and
- to bring about uniformity of policy with respect to labour legislation and regulations.

Members still concern themselves with labour legislation and continue to value the exchange of information. But in recent years, discussions at their meetings have extended beyond simply information exchange and legislative developments to focus on:

- identifying problems, policies, programs, best practices, emerging trends and issues of concern, and undertaking joint research projects on these;
- working increasingly on international labour issues; and
- directing specific projects to standing and ad hoc committees so that all jurisdictions can benefit from collaborative efforts.

Structural Evolution

Membership

In its early years, the Association included in its membership both ministers and deputy ministers of labour. By the 1950s, however, it had chiefly become a forum for deputy ministers, while ministers continued to be invited to the annual conferences. The establishment of its standing committee structure in the 1960s expanded the Association to include senior departmental officials in a supporting role.

In the 1980s, a decision was made to accommodate those jurisdictions where the administration of programs and legislation related to occupational health and safety rested with an agency, as opposed to being an integral part of the Department of Labour. Leaders of these agencies were invited to the annual meeting as associate members. In 1989, they were conferred full membership status.

To better fulfil its objectives, the Association also created a formal structure. This structure consists of an Executive Committee, a Secretariat and a number of standing and ad hoc committees.

The Executive Committee comprises a President, four Vice-Presidents, the Past President and the Secretary. Members appoint the Executive at each annual conference, striving to ensure that there is regional balance in its composition. While planning within the Association is done jointly by all governments, the major responsibility of managing the overall operation of the Association rests with the Executive. During the year, the Executive plans the agenda for the spring and annual meetings in consultation with all jurisdictions, takes care of any matters arising between meetings, and deals with specific issues referred by the members. In addition, the Executive meets by conference call several times throughout the year.

The Secretariat has historically resided in the federal Department of Labour (now the Labour Program of Human Resources Development Canada). The Association's constitution specifies that the Secretary shall be appointed by the federal department with the concurrence of the Executive. This arrangement has existed since its adoption in June 1939. The Secretariat provides support to the work of the Association and its committees.

Committee Structure

From 1942 to 1968, the Association functioned mainly with ad hoc committees that were established to deal with a specific issue or project. Once a committee's mandate was completed, the committee was disbanded. In the 1940s, 1950s and 1960s, for example, ad hoc committees were established on the following topics: Annual Reports of Departments, Apprenticeship Training, Women in War Industries, Canadian Standards Association matters, International Labour Organization (ILO) issues, Machine Guarding, Oil and Gas Regulations, Qualifications of Industrial Safety Officers, Labour Relations Statistics, Inspectors' Training, Role of Labour Departments in the Field of Industrial Safety and Health, and the list goes on. In 1968, the Association decided to create permanent or standing committees, whose members would include at least one senior representative from every jurisdiction. These standing committees were to consider issues referred to them by the deputy

ministers and conduct research and make recommendations, to exchange views and share their experience, and to promote staff development activities and consider training and recruitment problems.

Four of the original five standing committees remain in existence today: the Standing Committee on Labour Relations, the Standing Committee on Labour Standards, the Standing Committee on Statistics and Research, and the Standing Committee on Occupational Safety and Health. The fifth committee, the Standing Committee on Training, was disbanded. However, in 1976, a Standing Committee on Women's Policy was established; it was renamed the Standing Committee on Women in Employment in 1980 and remains in existence today.

In addition to the standing committees, ad hoc committees continue to be employed from time to time, on an as-needed basis, to deal with specific matters. For example, ad hoc committees were established for: The Review of the Role and Operations of CAALL (1970), Career Planning in Departments of Labour (1974), Interjurisdictional Exchange of Labour Officers (1975), Mandatory Drug Testing in the Workplace (1986), Workers' Compensation (1990), and Work-Life Balance (2000), to cite a few examples.

Annual Conferences

From the beginning, one of the primary forums for the exchange of information among members has been the annual conference. These conferences were interrupted only once, between 1944 and 1948, as a result of the Second World War. In the early years, the annual conferences were held in Ottawa. Since 1950, the location of the annual conference has rotated from jurisdiction to jurisdiction, to distribute more evenly the hosting costs. In the early years, the Executive Committee would also meet in person at least three or four times a year. Since 1990, the Executive Committee has met by teleconference several times during the year, taking advantage of modern technology.

In 1985, members decided to establish a second meeting, referred to as the spring meeting, that would take place in tandem with the May meeting of deputy ministers on ILO issues. This one-day meeting is held in the National Capital Region to this day.

Accomplishments

There is no doubt that one of the Association's major accomplishments has been the benefits that have accrued to all jurisdictions from the shared research that has been carried out over the years. It is safe to say that no one jurisdiction would have had the resources to commit to this research on a national scale. These research projects include such topics as: Implications of Technological Progress; Effect of the Adoption of Metric Units on Occupational Safety and Health; Quality of Working Life; Safety and Health in the Fishing Industry; Safety and Health in the Construction Industry; Minimum Wage Determination; Equal Pay Legislation; Workplace Hazardous Materials Information System; Labour-Management Co-operation; Interjurisdictional Co-operation (including Mutual Assistance Arrangements, Call Centre Mergers and Labour Information Sharing System); and Work and Family Responsibilities.

With information sharing, jurisdictions have also learned from one another and have benefited from each other's experiences, be it in the area of policy development or legislative and operational issues.

The Canadian Association of Administrators of Labour Legislation has also left a legacy of national labour statistics and publications, many of which are still compiled and published today.

In the Association's early years, members recognized the need for and the importance of national statistical data for decision making by labour administrators. To this end, members asked the federal Labour Department and Statistics Canada to gather specific data and compile statistics at the national level. As well, the Labour Law Analysis Division of the federal Labour Program publishes some of these reports on the department's Internet site. Other statistics are still produced by the Workplace Information Directorate of the federal Labour Program. These statistics continue to be used by governments, unions and employers in all the provinces and the territories.

International Labour Issues

International Labour Organization (ILO)

International labour issues have been a topic of interest to Association members since the beginning and will likely grow in importance in the future, given increasing globalization, the integration of labour markets, and the preoccupation with trade and its impact on labour and human rights.

Throughout its history, the Association has been a vehicle for intergovernmental consultation, particularly

on the activities of the ILO. While the International Labour Organization matters are managed in Canada by the International Labour Affairs Division of the federal Labour Program, the Association continues to be an important forum for addressing international labour issues and preparing Canadian participation in the ILO. A recent example is the consultations that resulted in Canada's early ratification, in June 2000, of ILO Convention 182 concerning the Elimination of the Worst Forms of Child Labour.

The Association has also been the intergovernmental consultative mechanism used for the Canadian Intergovernmental Agreement regarding the North American Agreement on Labour Co-operation.

Relations with Other International Associations

The Canadian Association of Administrators of Labour Legislation has always believed that it is important to develop and maintain close relationships with organizations in other Western industrialized countries, to benefit from an exchange of information and views on labour issues of mutual interest.

For this reason, some provinces and the federal government continued to maintain their International Association of Government Labor Officials memberships and attend the meetings even after the Canadian Association was established in 1938. For many years, both associations adopted the practice of sending delegates to the other's annual meetings, to exchange information concerning new developments in the labour field in the United States and Canada.

In 1979, the International Association of Government Labor Officials reorganized into a new association called the National Association of Government Labor Officials. The National Association is a non-partisan association of the commissioners, directors and secretaries of labour for each state and territory of the United States. It is dedicated to improving the protection of workers' rights and to promoting safe and healthful workplaces. In recent years, the Canadian and United States associations have attempted to establish closer working ties.

The Canadian Association also established and maintained contact with an Australian organization called the Departments of Labour Advisory Committee. This Australian Committee's membership includes the heads of the national and state departments responsible for employment and industrial relations matters in Australia. From 1975 to 1983, the Canadian and Australian associations sent representatives to attend each other's annual meetings. In the early 1980s, however, the question of Canadian representation at the Australian meetings was reconsidered because of the financial costs involved in travelling to Australia. This was a period of generally difficult economic conditions and budget restraints in the public sector. Although Canada no longer sends a representative to the Australian annual meetings, some correspondence was re-initiated between the two groups in the mid-1990s.

Conclusion

The Canadian Association of Administrators of Labour Legislation is a fine example of an intergovernmental mechanism that has enabled and promoted co-operative working relationships between the federal, provincial and territorial governments for the benefit of Canadian workers and employers, and the Canadian economy.

Created in 1938 out of a need for exchange of information among jurisdictions, the Association moved beyond simply information exchange to include identification of shared problems and issues of concern, the search for solutions, identification of best practices, and the design of joint, collaborative research projects to benefit all jurisdictions. In recent years, the Association has also increasingly focussed on international labour issues. With accelerating globalization, there is no doubt that the Association's work in this area will continue to grow.

On a final note, the fact that the Association remains active after 62 years of operation testifies to its enduring value to labour jurisdictions in Canada.

LIBRARY SERVICES AND CANADA'S LABOUR PROGRAM

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Library services have always played an important part in Canada's Labour Program. This is not surprising, as one of the key roles of the Program has been the collection and dissemination of information on labour and industrial relations. Shortly after its creation in 1900, the Department of Labour began to gather reports on industrial conditions in countries around the world. By the end of the first year of operation, 2,500 volumes had been collected and catalogued in a library. There were high hopes for this library as described in the first annual report by then Deputy Minister of Labour, William Lyon Mackenzie King:

> "*It is hoped that this library may serve, in addition to keeping the public informed of important movements and developments at home and abroad ... to accumulate by degrees a store of material which will furnish original sources of information for the history of the industrial growth and development of Canada.*" (House of Commons, "Report of the Department of Labour for the year ended June 30, 1901," Sessional Paper no. 36, A. 1902, p. 65.)

This aspiration was realized as the library continued to develop its collection, becoming recognized as one of the most comprehensive information repositories in Canada on labour and industrial relations. Today, this collection forms a vital part of the library of Human Resources Development Canada. The new library's collections were created from the holdings of the departments brought together to form the new Department during a major federal government reorganization in 1993: major components of the collection coming from the former Labour Canada and Employment and Immigration libraries, with smaller portions coming from the collections held by the libraries of the former Secretary of State and Health and Welfare Canada.

Today, the Human Resources Development Canada Library contains approximately 400,000 volumes covering a wide range of social science subjects related to the work done by departmental employees. It also provides electronic desktop access to approximately 3,000 periodicals, over 50 subject-specific databases and to many electronic reference tools. Subjects include economic policy, education, employee benefits, employment and unemployment, employment equity, fire prevention, income security, information technology, labour and industrial relations, labour law, labour market profiles, literacy, management, occupational safety and health, occupations, pay equity, public administration, social policy, training, wages, welfare, women, workers' compensation, and youth.

The library is a unique resource for Canadian labour history. Of particular interest to researchers in labour and industrial relations are its comprehensive collections of journals on industrial relations and labour economics, Canadian labour union newspapers, and International Labour Organization publications on labour-related issues of intergovernmental concern. In addition, the library maintains an archival collection of publications from Human Resources Development Canada and predecessor departments including Labour, Employment and Immigration, Manpower and Immigration, Unemployment Insurance Commission. We even boast the archival collection from the original department of Citizenship and Immigration that existed in the 1950s.

The library provides a wide range of services to the staff of the Department, and makes its resources available to the Canadian public through both its facilities in Hull, Quebec and interlibrary loans to other libraries. Researchers may search the library's holdings through it's catalogue, *Primo*, available on the library's national Internet site. *Primo* includes bibliographic descriptions of electronic resources and links to Internet publications, and its "Featured Lists" identify publications recently added to the library's collections.

Since researchers may also want to contact the library directly, e-mail and mailing addresses (as well as telephone and fax numbers) are available on the Internet site. Library staff can assist in accessing the wealth of factual and statistical information in the library's collections, and can also provide direction both to other resources within the department and to external resources such as other organizations.

Over the past 100 years, there have been many changes in the related technologies of library services: handwritten catalogue cards have been replaced by electronic descriptions available on the Internet, and virtual resources maintained in databases world-wide now enhance the collections housed within the walls of the library. The library will continue to exploit the latest information technologies to provide the detailed information required by Human Resources Development Canada, in particular the Labour Program Components.

The HRDC Library is open to the public

Visit our Web site at
http://www.hrdc-drhc.gc.ca/library/common/lib.shtml

HRDC Departmental Library

- A major source of social science books, periodicals, research papers, government documents, audiovisuals and databases.
- An archival collection of publications by predecessor departments including Employment and Immigration, Labour, Manpower and Immigration, Unemployment Insurance, and Citizenship and Immigration.

A BRIEF HISTORY OF THE WOMEN'S BUREAU

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Women's Bureau
Human Resources Development Canada

Established in 1954, the Women's Bureau is the oldest organization in the federal government created to address the concerns of women. When the Bureau was formed, its primary task was to track women's burgeoning labour force participation. As women began entering and remaining in paid employment in far greater numbers, the Bureau's mandate expanded to promoting policies like maternity leave and women's entry into male-dominated occupations. Although women's place in paid work is now quite secure, challenges such as balancing work and family, closing the wage and income gaps, and combatting sexual harassment remain. The following snapshots provide a brief synopsis of the Women's Bureau's evolving mandate over the past 46 years.

1954-1995 – Labour Canada: Focus on the Workplace

From 1954 to 1995, the mission of the Women's Bureau was to advance the full and equal participation of women in employment. Under that mandate, the Bureau undertook research, analysis, and information dissemination on workplace issues; contributed to policy initiatives aimed at improving the situation of women in the labour force; and regularly consulted and collaborated with unions, employers, other jurisdictions, and non-governmental and international organizations. It administered the Marion V. Royce Memorial Grants, named in honour of the first Director of the Women's Bureau, and the Workplace Equality Fund. Both programs supported innovative initiatives relating to equity in the workplace. The two funds were ended in 1995 when the focus of the Women's Bureau shifted to a new mandate.

1995-2000 – Human Resources Development Canada: Focus on Gender-Based Analysis

By the fall of 1995, when the department of Human Resources Development Canada was created from the amalgamation of several former ministries, the Women's Bureau began to assume a broader focus which reflected the wider range of policies and programs for which the Department is responsible. At that time, the Bureau was active in preparing Canada's input to the 1995 United Nations 4th World Conference on Women. One of the key developments from this conference was the widespread promotion of gender-based analysis to advance gender equality. The federal Cabinet formally adopted gender-based analysis through Canada's 1995 national action plan on gender equality, which committed federal government departments to implementing this approach. Accordingly, in July 1995, the Women's Bureau assumed a new mandate to develop and promote the use of gender-based analysis throughout Human Resources Development Canada.

Gender-Based Analysis: A Process

Gender-based analysis is a process of identifying the specific differences between the patterns of women's and men's involvement in economic, social and legal structures and how these patterns interact with other diverse factors such as race, ethnicity, disability, sexual orientation and location (i.e., rural/urban, etc.). This type of analysis can inform and greatly improve policy and program development, implementation and service delivery processes. While Canada has made great strides in narrowing the gap between men's and women's social and economic equality, challenges remain, particularly for women who may face additional barriers due to disability, age, race, or ethnicity. Additionally, women continue to bear the greater share of caring responsibilities for children and other family members, which can affect their ability to participate fully in the labour market, or impede their capacity to save for retirement.

Other organizations (International Labour Organization, United Nations, World Bank) and governments (Australia, Norway, Netherlands) that have adopted gender-based analysis have found that it offers policy/program makers an enhanced accountability process. For instance, such analysis helps to determine whether allocated resources are

reaching their intended population efficiently and effectively. The analysis also acts as a means of helping governments more fully understand the dynamics of social change. It ensures that policies, legislation and programs are fair and effective, have their intended results, and are consistent with government commitments to equality. Gender-based analysis also serves to clarify the influence that social expectations and stereotypes based on gender can have on public policies/programs.

Looking Forward: A Revitalized Mandate within Human Resources Development Canada

The Bureau recently developed a new mission statement that reflects its plans to work with a network of gender-advisors throughout Human Resources Development Canada to expand the use and development of gender-based analysis. The Women's Bureau will also be augmenting its range of knowledge products and services including a resource centre and training programs. The overall goal is to have gender-based analysis used as a means of identifying and addressing social and economic inequalities, and also for enlarging opportunities for social and economic growth.

As much as this new mission statement prepares the Bureau for its future work, it also reflects the Women's Bureau's longstanding tradition of endeavouring to enhance the quality of life for all Canadians through the promotion of gender equality. Women's social and economic progress over the past 100 years is a testament to the combined power of individuals, groups, governments and other institutions working together towards a common goal. May the next century bring even higher levels of equality.

For further information:

Visit our Web site at
http://www.hrdc-drhc.gc.ca/wb-bmof/home.shtml

1900-2000

DATA COLLECTION, ANALYSIS AND DISSEMINATION: FROM THE PAST TO THE FUTURE

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The *Conciliation Act* of 1900 established the Department of Labour which was mandated to "collect, digest and publish in suitable form statistical and other information relating to the conditions of labour".

William Lyon Mackenzie King, who came to work for the Department in July 1900, was the first editor of the *Labour Gazette*. By the time the first issue was published in September of the same year, Mackenzie King had established a network of 39 correspondents across the country to report regularly on the ebb and flow of collective bargaining, employment, wages, changes in legislation, and work stoppages across Canada.

Over the years, the *Labour Gazette* gave rise to a number of separate publications such as the *Collective Bargaining Review* (initiated in 1965) which described major wage and non-wage provisions and changes in collective agreements. A few years ago, this publication evolved into the *Collective Bargaining Bulletin*, a monthly publication created to list recent settlements and to provide access to summaries and full text of collective agreements as they became available. Details of agreements either in summary or full text format can be obtained by phone or fax and more recently, clients have direct access to this information through Negotech, an Internet-based application.

The *Wage Settlements Bulletin* launched in 1990 is a monthly publication highlighting wage adjustment analysis that, from its inception, was available by fax as well as in paper copy on its release date. Quarterly detailed wage data is published in the Workplace Gazette. Data on work stoppages is published monthly, quarterly and annually and can be accessed via the Internet. The first separate Directory of Labour Organizations was published in 1911 and current directory information is now available in a searchable database on the Workplace Information Directorate Web page.

In 1978, the *Labour Gazette*, then considered the dean of Canadian magazines in the labour field, fell victim to the federal government's austerity program and was discontinued, an action that many felt William Lyon Mackenzie King would never have allowed. Twenty years later, in 1998, owing to outstanding team work, the *Workplace Gazette* was created to serve similar objectives as its predecessor but on a more modest scale.

> "I should like to take a minute or two to warn every liberal member of this house that tonight the ghost of Mackenzie King may stalk their bedrooms. I hope that he scares the daylights out of them." *(Stanley Knowles. Commons Debates, June 6, 1980.)*

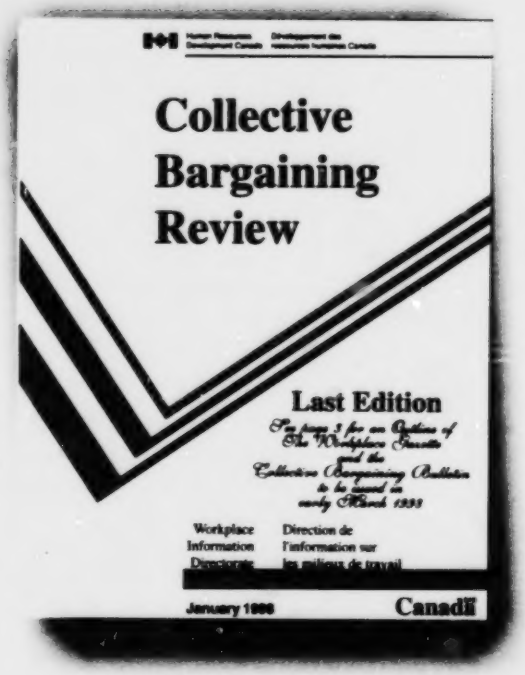
Within the *Workplace Gazette*, quarterly wage information is provided, provisions of collective agreements are analyzed, innovative workplace practices are described, work stoppages and labour organization membership surveys are reported. Articles, case studies and reports dealing with numerous issues affecting the world of work are published from all parties in industrial relations, in both private and public sectors – management, unions, academics, and others.

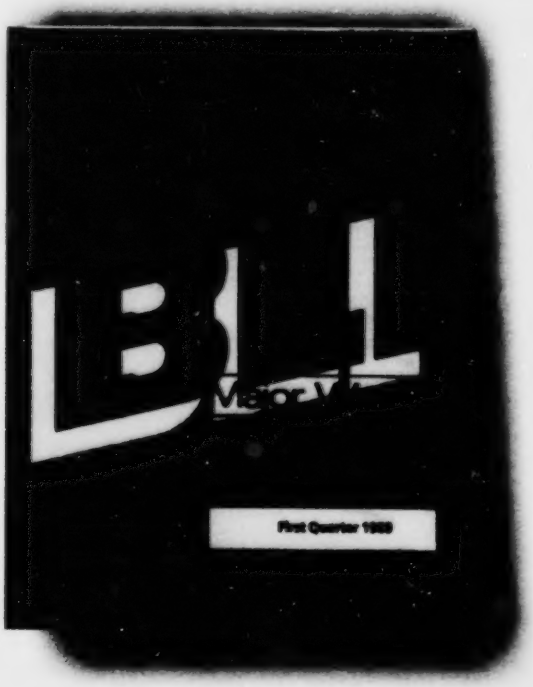
In the past 100 years, data collection has also evolved from handwritten and typewritten manuscripts sent by correspondents to teletype, to fax and now through electronic messaging. Information is available much more quickly and the expectations of timeliness have greatly increased.

Data processing and analysis have evolved: from handwritten registries as was the case for strikes and lockouts, manual calculations of percentage increases to produce schedules of wages and wage adjustments. As technology evolved, calculations were facilitated first by the use of hand held calculators. Later, data was entered into computers inputting data punch cards for reading and processing. Modern technology allows direct input, computer generated reporting and searchable data bases.

Dissemination of information has also evolved with time. Typesetters and typists have been replaced by desktop publishing and e-print. Transmission and access to information is now accomplished by facsimile, email and electronically via the Internet. Modern formats and easier access provide users with the ability to customize, search, retrieve and save in electronic format for current and future use.

Following are excerpts from earlier publications:





Close piling, extension of breakwater and dredging, Meaford, Ont. Contract dated June 15, 1900. Amount of contract, $62,570.

FAIR WAGES SCHEDULE.

Trade or Class of Labour	Rate of Wages. (Not less than the following rate.)
	Per day of 10 hours.
Contractor's foreman	$ 2 50
Carpenter's "	1 50
" helpers	1 25
Blacksmiths	2 00
" helpers	1 25
Ordinary labourers	1 00
Drivers with 1 horse and cart	2 00
" 2 horses and wagon	3 00
" 1 horse	2 00
" 2 horses	2 50
	Per month and board.
Dredge captain	90 00
" engineer	75 00
" fireman	40 00
" deck hands	25 00
" crane men	50 00
" scow men	25 00
Tug captain	50 00
" engineer	50 00
" fireman	30 00
" sailors	25 00

Drill Hall Building, Brockville, Ont. Contract dated June 29, 1900. Amount of contract, $42,290.

FAIR WAGES SCHEDULE.

Trade or Class of Labour.	Rate of Wages. (Not less than the following rate.)
	Per day of 10 hours.
Labourers	$ 1 25
Masons	3 00
Bricklayers	3 00
Carpenters	1 75
Plasterers	3 00
Wrought and cast iron workers	None.
Steel and truss workers	None.
Felt and gravel roofers	1 50
Galvanized iron workers	2 00
Slaters	3 00
Plumbers	2 50
Electric wirers	2 00
Painters	2 50

Masonry, proposed lock and dams. St. Andrew's Rapids, Man. Contract dated July 18, 1900. Amount of contract, $469,000.

FAIR WAGES SCHEDULE.

Trade or Class of Labour.	Rate of Wages. (Not less than the following rate.)
	Per day of 9 hours.
Government inspector (a practical masonry and concrete builder)	$ 5 50
Contractor's engineer	$130 per month
	Per day of 9 hours.
" foreman for masonry work	5 40
Contractor's foreman for concrete work	$ 50
Contractor's foreman for carpenter	4 00
Carpenters	3 15
Carpenters' helpers	2 00
Masons	4 50
Stone cutters	4 50
" drillers	2 25
Quarry men	1 80
Powder men	2 00
	Per day of 10 hours.
Blacksmiths	2 50
" helpers	2 00
	Per month with board.
Dredge captain	80 00
Dredge engineer	65 00
" fireman	45 00
Dredge crane man	65 00
Dredge deck hands (each)	30 00
Tug captain	60 00
" engineer	50 00
" fireman	23 00
" sailors	20 00
Scow men	30 00
	Per day of 9 hours.
Divers with complete outfit	10 00
Divers without outfit	5 00
Derrick men	1 80
Ordinary labourers	1 80
	Per day of 10 hours.
Driver with one horse and cart	3 00
Driver with two horses and wagon	4 05
Driver with one horse	2 50
Driver with two horses	3 75
Teamsters	1 75

High level pier and two bulkheads, Montreal harbour. Date of contract, July 25, 1900. Amount of contract, $631,033.33.

REPORTS FROM LOCAL CORRESPONDENTS.

DURING the month of January three additions were made to the list of local correspondents of the *Labour Gazette*. Mr. Rodolphe Laferriere, of Hull, Que., was appointed correspondent for the city of Hull and district; Mr. John R. Snell, of Chatham, Ont., correspondent for the city of Chatham and district, and Mr. James McNiven, of Victoria, B.C., correspondent for the city of Victoria and district.

General Summary.

The reports of the local correspondents disclose a healthy state of industry and trade in all parts of the Dominion and give decided indications of the likelihood of substantial activity during the coming months. In practically all of the skilled trades, with the exception of those affected by the winter season, the reports show that the numbers employed are large and the wages received good. Even in the case of some of the trades usually affected by the severe weather, it would seem that operations are being carried on in spite of the inclement season. This is true, for example, in the building trades in Ottawa, Hull, Sydney and several other industrial centres. The traffic on the railways has been very considerable throughout the month, while factories in all parts are, with few exceptions, working full handed, and several appear to be working overtime. Snow shovelling and the hauling and storing of ice have given employment to large numbers of unskilled workmen. Numbers have also been employed in the work of rock excavation, while there are indications that from the many employed in the woods the cut of lumber may be larger than that of previous years.

In a few localities exceptional disasters have thrown a number of people temporarily out of employment. The large fire in Montreal, the destruction of a lithographic and printing establishment in Hamilton, the burning of the Canada Cotton Mills at Lambton Mills, Ont., have all affected a large number of employees. In St. John, N.B., the closing down of a large local cotton mill has affected many families in that city, but saving where a loss of employment has followed upon these, and one or two other like unforeseen events, the numbers of unemployed have remained very small in all parts of the Dominion. It should be mentioned, however, that many workmen have been affected by *la grippe*, and the reports would indicate that in some cities difficulty has been experienced in carrying on business for want of sufficient hands.

An important feature of the month has been the comparatively few trade disputes of importance. This is more noteworthy in virtue of the fact that several important increases in the rates of wages have been conceded by employers. The practical application of the principle of conciliation and arbitration, referred to in the editorial notice of this issue, is deserving of special mention in this connection.

Several new unions have been formed during the month, and a large number of existing unions have been revising their scales of wages and have submitted for the consideration of their employers demands for higher rates.

Special Reports.

HALIFAX, N.S., AND DISTRICT.

Mr. James H. Phair, Correspondent, reports as follows:—

The condition of the labour market in this district during the past month has been only fair, the protracted stormy weather interfering considerably with outside work. The boom continues at Sydney, where skilled mechanics are steadily in demand.

Some time ago the *machinists* at the Glace Bay coal mines of the Dominion Coal Company made a demand for an increase of 50 cents per day, which was refused by the company. A meeting of the men was held, and it was decided to strike on the 23rd inst. A meeting of the Provincial Workingmen's Association was held on the

TRADE DISPUTES OF THE MONTH OF MARCH.

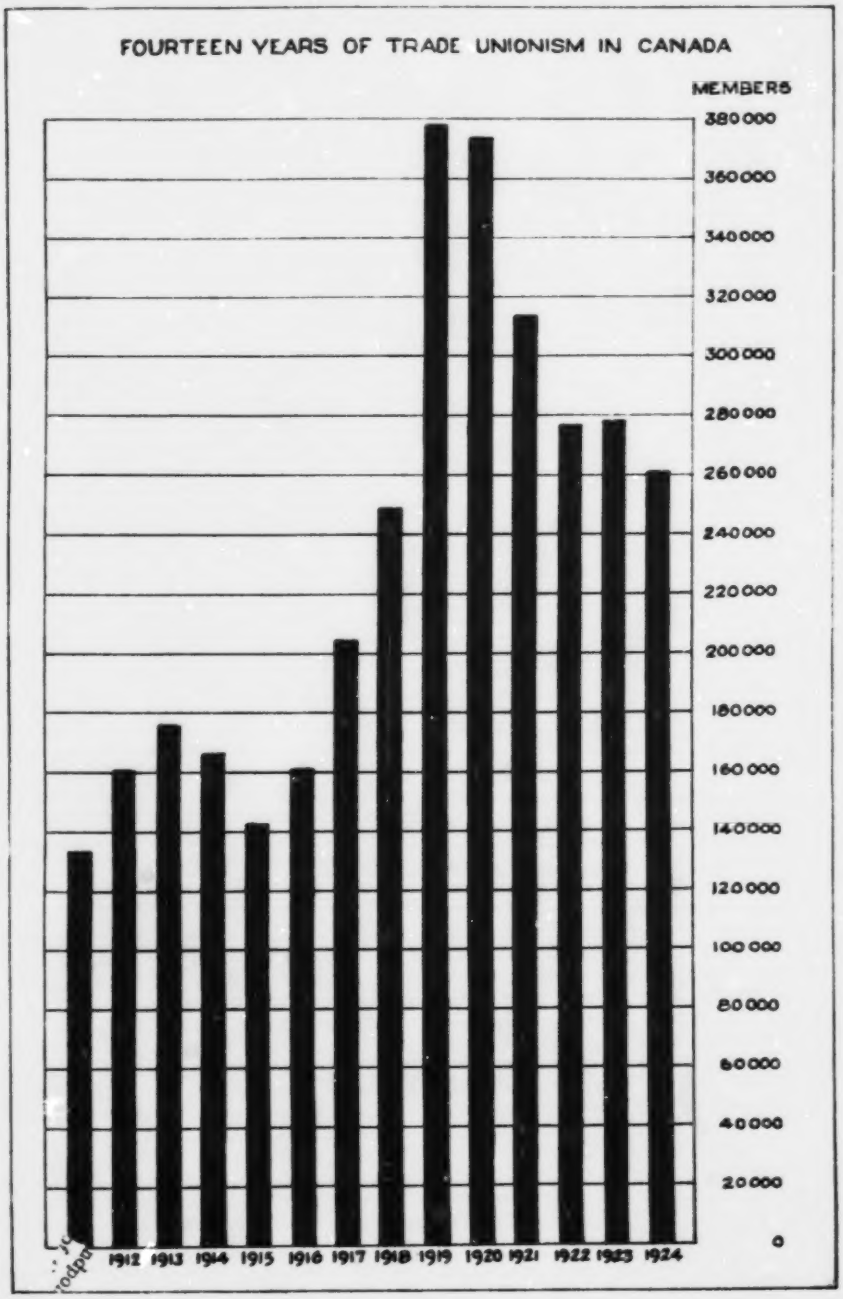
DEPARTMENT OF LABOUR, CANADA.
STATISTICAL TABLES, SERIES C.

Province.	Locality.	Occupation.	Alleged Cause or Object.	No. of Firms or Establishments affected.	Approximate No. of Employees affected. Directly	Approximate No. of Employees affected. Indirectly	Date of commencement.	Date of termination.	Result.
Quebec	Montreal	Cigarmakers	Refusal of employers to accede to union's demand for revision of existing wage scale	10	600		April 19		No settlement reported at end of month.
New Brunswick	Moncton	Moulders	Refusal by management to concede 20 p.c. increase to piece hands and minimum wage of $2.50, or to recognize union, and subsequent discharge of several union men.	1	40		Jan'y. 7		No settlement reported at end of month.
Quebec	Granby	Cigarmakers	Against reduction in wages.	1	54		" 11		No settlement reported at end of month.
Ontario	Toronto	Stove mounters	Refusal of firm to recognize two employees as members of union. Employers considered them apprentices, but union claim they are entitled to status as journeymen.	1	22		" 21		Union states strike still in existence, but company claims to have reduced its working staff and filled vacancies caused by strike with outside men.
Ontario	Brockville	Cigarmakers	Refusal of employers to pay union prices demanded.	1	6	2	" 25		No settlement reported at end of month.
New Brunswick	Sackville	Foundrymen	Objection by men to signing paper pledging themselves to work continuously through the year at present wages.	1	18		Feb. 24		No settlement reported at end of month.
Ontario	Hamilton	Moulders	Refusal of employers to grant increase in wages on certain classes of stoves.	1	32		Mar. 6	Mar. 10	Higher rate granted.
Ontario	Ottawa	Painters	Objection by men to engagement of non-union man and refusal of employers to grant increase asked.	4	34	75	" 11		Increase granted in one or two cases but no general settlement reported at end of month.
Ontario	Berlin	Cigarmakers	Lockout by employers who refused to pay bill of prices asked by men.	1	9		" 10		No settlement reported at end of month.
Ontario	Berlin	Woodworkers	Refusal of company to dismiss employee objectionable to union.	1	40		" 13	Mar. 22	†Settled under Conciliation Act; all employees reinstated.
Ontario	Smith's Falls	Moulders	For increase in wages.	1	32		" 22	" 27	Increase granted.
Ontario	Ottawa	Tailors	Refusal of employers to grant demand by union for increase averaging about 10 per cent and affecting 39 garments.	8	47		" 24	" 25	Employers, with exception of two, agreed to 32 of demands before strike; and after strike compromise affected in regard to other 7.
Ontario	St. Marys	Tailors	Refusal of employers to meet new prices submitted by men.	5	12		" 24	" 31	Increase of 8 per cent granted.
New Brunswick	Fairville	Shingle sawyers	Refusal of employers to grant rate of wages asked by men.	1	40		" 24		No settlement reported at end of month.

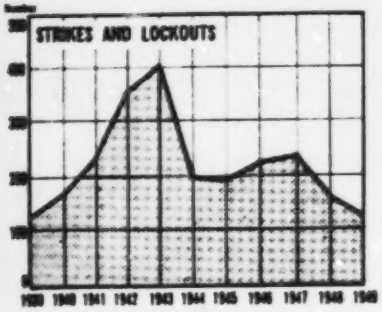
WORK STOPPAGES IN CANADA BY INDUSTRY
1924

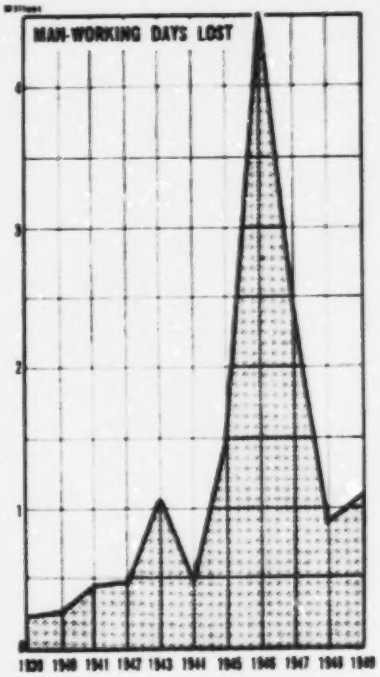
INDUSTRY	NUMBER	WORKERS INVOLVED	MAN-DAYS
AGRICULTURE	- - - - -	- - - - -	- - - -
LOGGING	1	1,567	44,770
FISHING & TRAPPING	2	621	4,800
MINING, NON-FERROUS SMELTING, QUARRYING	16	21,214	1,555,105
MANUFACTURING:			
CLOTHING, INCLUDING KNITTED GOODS	8	3,424	30,688
LEATHER, FUR, & PRODUCTS	5	888	11,697
PULP & PAPER PRODUCTS	2	156	756
PRINTING & PUBLISHING	9	586	79,695
SAW & PLANING MILL PRODUCTS	1	350	2,100
WOOD PRODUCTS	1	275	12,100
IRON, STEEL, & PRODUCTS	2	26	874
NON-METALLIC MINERAL PRODUCTS	2	98	957
CONSTRUCTION:			
BUILDINGS & STRUCTURES	13	883	7,950
SHIPBUILDING	1	150	5,100
WATERWORKS, GAS & SEWER CONSTRUCTION	1	75	150
TRANSPORTATION & UTILITIES:			
STEAM RAILWAYS	1	50	50
ELECTRIC RAILWAYS	1	4	661
TELEGRAPHS & TELEPHONES	2	83	750
SERVICE:			
PUBLIC ADMINISTRATION	1	1,969	12,279
RECREATIONAL	4	60	418
PERSONAL-DOMESTIC	1	25	25
TOTAL	73	32,494	1,770,825

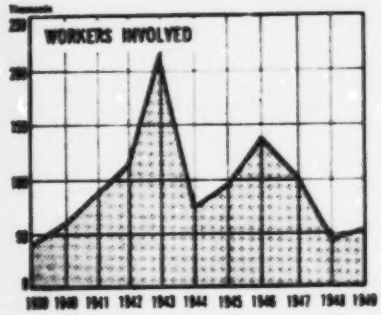
the existing form of organization. Another proposal which has been made is one providing for greater autonomy for the Canadian internationally organized workers, the object



STRIKES AND LOCKOUTS IN CANADA, 1939-1949

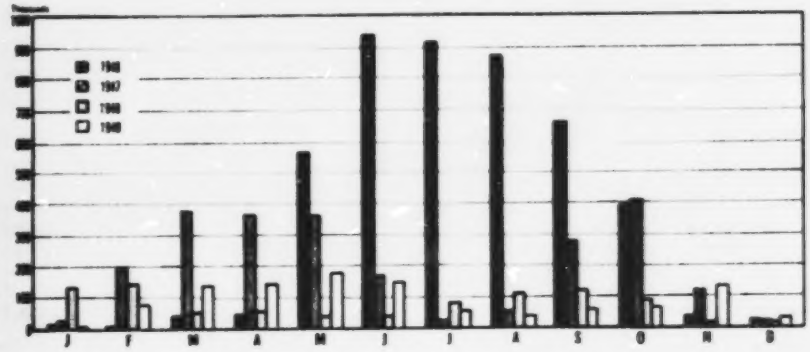






WORKING-DAYS LOST THROUGH STRIKES AND LOCKOUTS

By Months 1946-1949



COLLECTIVE AGREEMENTS AND WAGE SCHEDULES

Recent Collective Agreements

A file of collective agreements is maintained in the Economics and Research Branch of the Department of Labour. These are obtained directly from the parties involved and through the Industrial Relations Branch of the Department. A number of those recently received are summarized below.

Agreements made obligatory under the Collective Agreement Act in Quebec are summarized in a separate article following this.

Manufacturing

Textiles and Clothing

WOODSTOCK, ONT.—FIRESTONE TEXTILES LIMITED AND UNITED TEXTILE WORKERS OF AMERICA, LOCAL 115.

Agreement to be in effect from February 2, 1950, to February 2, 1951, and thereafter from year to year, subject to notice. The company recognizes the union as the exclusive voluntary bargaining agency for all eligible employees. There shall be no discrimination, interference, intimidation, restraint or coercion because of membership or non-membership in the union.

Check-off: both parties agree to the continuance of the voluntary, irrevocable check-off of union dues.

Hours: 9-6 per day 5 days a week, a 48-hour week. *Overtime:* time and one-half for all work in excess of these hours and for work on Sundays; double time for work on 8 specified *paid holidays* (previous agreement provided for 6 paid holidays). If and when during the life of this agreement the company finds it possible to place all employees on a 45-hour basis the regular shift hours shall be 9 hours per day and 45 hours per week, with overtime at time and one-half for all hours worked in excess of these hours.

Vacations with pay: one week to employees having less than 5 years' seniority, two weeks to employees with 5 or more years' seniority, with pay equal to 2 per cent and 4 per cent respectively of employee's total earnings during preceding year.

Hourly wage rates are increased by 5 cents over the rates previously in effect. The following are the rates for certain classes: Carding department—picker man 89 and 98 cents, waste machine oiler (youth) 74 cents, card grinder fixer 96 cents, card stripper and tenders 91 cents; roving doffer, male 86 cents, female 74 cents; roving piler 86 cents, sweeper oiler (youth) 74 cents, machine fixers 91 cents to $1; learners, male 73 cents, female and youth 60 cents. Spinning department—band man 89 cents, roving piler 74 and 86 cents. Spooling and warping department—warper tenders 75 cents, B.C. yarn man 89 cents, warper creel man 88 cents, tailing hand, sweeper yarn trucker (youth) 74 cents. Twisting department—ply doffers, male 86 cents, female 74 cents; beamers, cable twister tenders 93 cents, cable doffers 88 cents, machine cleaners, oilers 86 cents; tape boy, yarn reclaimers 74 cents. Weaving department—cable respoolers, cloth baler 88 cents; weavers 93 cents, splicers 74 cents, tying-in hands 76 to 83 cents. Velon department—weaver 93 cents; inspectors, quillers, battery hand, helper (youth) 74 cents; measure-o-graph operator 79 cents. Shop and warehouse—janitor 83 cents, general maintenance 95 cents to $1.13, elevator man 86 cents, warehouse checker 91 cents, warehouse truckers 89 cents. Hiring rates—male 73 cents, female and youths (under 18) 60 cents.

A *night shift premium* of 5 cents per hour will be paid for all work from 6 p.m. to 6 a.m.

Provision is made for *seniority rights* and *grievance procedure*.

WINDSOR, ONT.—CANADIAN AUTOMOTIVE TRIM LIMITED AND THE INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, LOCAL 195.

Agreement to be in effect from January 1, 1950, to December 31, 1950, and thereafter from year to year, subject to notice. The company recognizes the union as the sole bargaining agent for all eligible employees.

Check-off: the "Rand Formula" is part of the agreement.

Hours of work: 40 per week. *Overtime* at time and one-half will be paid for work in excess of 40 hours in any one week; double time for work on 6 specified *paid holidays*.

Vacations with pay: employees with less than one year's seniority one week with pay based on 2 per cent of wages earned during the preceding year; employees with one year's but less than 5 years' seniority one week with pay based on 2½ per cent of wages; after 5 years' service employees will receive 2 weeks' vacation with pay based on 4 per cent of wages earned during the preceding year.

Hourly wage rates, effective February 6, 1950: assemblers $1.15, carpenter $1.51; clerk, male $1.23, female $1.14; cafeteria help $1.01; cutters and layers (cotton) $1.15, "A" (cloth) $1.32, "B" (cloth) $1.22; electrician $1.61, helper $1.15; floor help (female) $1; garnett repairman (cotton) $1.28, helper $1.22, hopper tender (cotton) $1.18; inspectors, male $1.15, female $1; machinists $1.41 and $1.61, millwrights $1.28 and $1.36; multipleater operator $1.29, helper $1.17; oiler $1.15, painter $1.36, pattern maker $1.26 and $1.36, pickerman (cotton) $1.20, sewing machine operators $1.06 to $1.18, sewing machine repairmen $1.18, sweepers $1.06, stockman $1.18, tinsmith $1.51, tool crib attendant $1.14, truck driver $1.18; vulcanizer operator $1.20, helper $1.15.

CANADIAN INDUSTRIAL RELATIONS AT THE DAWN OF THE 21st CENTURY – PROSPECTS FOR REFORM

Roy J. Adams
McMaster University

As Canada heads into the 21st century it is useful to reflect on the state of our industrial relations system – that set of institutions through which labour, management and government interact. Although labour legislation has been altered frequently over the past few decades, none of those alterations have changed in a fundamental way the system that took shape after World War II. An overseas observer returning to Canada after a 25-year absence would be comfortably familiar with today's practice.

This stability may suggest that the system is working well. Indeed, although all of the parties might welcome some changes, the basics of the system are supported by trade unions, employers and government.[1] Fundamental change is not part of the agenda of any of the principals to the employment relationship. Nor is industrial relations reform high on the priority list of our major political parties.

Folk wisdom tells us that there is no need to grease a wheel that is not squeaking. In many circumstances that lesson applies. Sometimes, however, it leads to disaster. Take, for example, a catastrophe that happened a few years back in the North Sea. An oil rig platform collapsed and over 100 people died. Inspection of the platform after the fact revealed that the disaster could be traced to a small crack in the structure. Paint in the crack indicated that it had been there from the time of construction. The platform performed fine under a variety of conditions, but when a major storm hit it fell apart. Research that I have carried out over the years suggests that our system of industrial relations, despite the apparent satisfaction with its current performance, has some outstanding flaws that may very well be the source of serious future problems.

To begin with, we have a very adversarial system, which, in contrast to the situation in other industrialized democracies, produces a high level of industrial conflict.[2] Although conflict everywhere is much reduced from what it was in the 1960s and 1970s, in international comparisons we have remained close to the top in days lost due to work stoppages. As necessary as respect for the right to strike and lockout is in a democratic nation, actual strikes and lockouts are in no one's interest. It is obvious that systems that produce fair and equitable outcomes without the parties having to resort to overt conflict are preferable to disputatious ones. When work stoppages occur, workers lose income, employers lose output and the public is commonly inconvenienced. But there are more deeply seated reasons for concern with high conflict levels.

Comparative international research that I have carried out over the years indicates that nations with adversarial industrial relations systems do not perform as well economically and socially as do systems characterized by social partnership.[3] That argument may be a hard sell at a time like this, when the Canadian economy is performing very well. Nevertheless, the evidence suggests that over the long term, the level of conflict is one of the best predictors of economic performance. In an increasingly integrated international economy, competing with a high-conflict system in place makes about as much sense as racing with leaden shoes. In short, this issue should be on the policy agenda.

Our relatively high conflict level is not the result of something uniquely Canadian. Instead, it stems from institutions that tend to exacerbate rather than settle underlying tensions. The core problem, as I have argued for many years, is the *Wagner Act* legal

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[1] I have developed this argument in some detail in Adams 1995a.

[2] I first explored this theme in an article published in the *Labour Gazette* in April 1975 (see Bibliography). For a consideration of more recent data that confirm the thesis, see Adams 1995 b and c.

[3] I developed this thesis in some detail in Adams 1995b.

framework and the conventions that have been spawned by it.[4] Internationally, collective bargaining is considered to be the most appropriate way to establish conditions of work. Throughout Europe, public policy ensures that all or nearly all workers are represented in the making of the rules of work. The *Wagner Act* model, however, compels workers to take the initiative to establish bargaining relationships against the known public opposition of their employers – a requirement that is sharply at odds with international norms.[5]

As research done by Mark Thompson of the University of British Columbia indicates, keeping the union out and thus avoiding collective bargaining is a formal objective of many – probably most – unorganized Canadian companies.[6] According to international human rights standards, that goal is improper and unethical.[7] Nevertheless, Canadian custom has legitimized it to such an extent that writers of Canadian human resource management textbooks provide instruction to future managers on how best to avoid bargaining.[8] Needless to say, under these conditions employees must engage in confrontation in order to establish a bargaining relationship, thus giving rise to adversarialism from the start of new union-management relationships.

The *Wagner Act* model also fragments the labour force into thousands of tiny units and in doing so encourages decentralized, uncoordinated collective bargaining. Collective agreements run for one year to several years, and agreements expire at times throughout the year and throughout the business cycle. The *Wagner Act* model also requires as a general rule that all bargainable issues be included in a single agreement and that formal bargaining cease between bargaining rounds. This system stands in stark contrast to practices in many other advanced countries.

For example, a common feature of industrial relations elsewhere, is the annual wage round. Whether negotiations are centralized, as is common in Northern Europe, or decentralized, as in Japan, bargaining rounds open and close within a few months of each other each year.[9] This format allows for wages to be discussed in the context of annual government budget debates. Public discussion generally results in a consensus about what the economy can afford, and resulting agreements generally conform fairly closely to that norm. Under these conditions, the public interest is a factor in both centralized and decentralized negotiations.

The Canadian situation is quite different. Because negotiations are decentralized and uncoordinated, it is difficult for the parties to see the relationship between what they do and the overall public interest. Consequently, bargaining in inflationary times commonly adds fuel to the fire of accelerating wage and price spirals, as it did in the 1960s and 1970s. During the past two decades, when tight money policies have led to price stability (and high unemployment), the absence of an annual national debate about appropriate wage increases has probably contributed to the decrease in real wages and to relatively declining standards of living for working people.

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[4] See Adams 1993, 1994 and 1995a.

[5] See, for example, Summers 1998.

[6] Thompson 1995.

[7] See, for example, the recent report of the International Labour Organization (ILO) following up the ILO's Declaration of Fundamental Principles and Rights at Work (ILO 2000).

[8] See, for example, Schwind, Das and Wagar 1999. They note that "In non-union facilities, an implicit objective of management is often to remain non-union. Employers frequently adopt either a union suppression or union substitution approach in order to avoid unionization." Employers using union suppression "may try to intimidate workers, threaten closing or moving the plant or facility, or discriminate against union supporters." Union substitution, on the other hand, "examines what unions bring to the employment relationship and then tries to introduce such features into the non-union workplace." To use this approach effectively, the authors advise their human resource manager readers " to actively apply the ideas discussed in earlier chapters of this book. Failure to implement sound human resource policies and practices provides the motivation for workers to form unions" (pp. 661-662).

[9] For a review of international variation in collective bargaining, see Adams 1995b.

In countries with annual wage rounds, issues other than wages are dealt with as they arise. Alternatively, the resolution of some issues, such as pensions and the introduction of technological change, may result in longer-term agreements. There is, therefore, no bargaining pressure cooker in which everything must be done in a short period of time or be put off until the next bargaining round.

In Canada, we do have some techniques for dealing with issues as they arise or longer-term issues, such as establishing mid-contract committees. But these expedients are klunky and are dependent on the good will of the individuals who fill particular positions rather than being a fundamental part of the system. When one side or the other won't go along with them they collapse, fanning the flames of discontent.[10]

Another serious flaw in our system is the large and growing representation gap. In the European Union approximately 80 per cent of all employees are covered by some combination of collective agreements, negotiations between statutory works councils and enterprise management, and enterprise policies developed by corporate boards on which employees have representation.[11] Although most public sector employees in Canada enjoy some form of collective participation in the making of their conditions of employment, the representation rate in the private sector is under 20 per cent. It peaked in the 1960s at just over 30 per cent and has declined since then. This is problematic because, as a recent report by the International Labour Organization (2000) argues, decisions resulting from dialogue between representatives of labour and management (and the state where necessary and relevant) generally produce better social and economic outcomes than do decisions imposed by unilateral decision making. It is also problematic because, as the International Labour Organization report notes, collective bargaining is a fundamental human right in which all employees should be able to participate.

Could we fix these system flaws if we wanted to? Sure. Our federal political system complicates things a bit, but if there was a strong consensus, the policy tools to get the job done are available. We could, for example, drop the use of union certification based on majority support in fragmented bargaining units. Instead, we could adopt as a policy goal, a system under which employers voluntarily take the initiative to open up negotiations with representatives freely chosen by their employees on any issues of concern. For guidance on how to make that happen, we might want to review French developments of the 1980s. The French government adopted the goal of universal bargaining coverage and to that end, required employers to take the lead in annual wage negotiations.[12]

We could also, as the Germans do, require the establishment of statutory works councils in all enterprises with five or more employees and give those councils a list of issues with which to deal. Over the years, various Canadian commissions and task forces have recommended this approach in order to deal with issues such as downsizing, employment equity, health and safety, profit sharing, and the implementation of basic employment standards.[13] Recently a federal panel established to review the *Federal Human Rights Code* recommended the establishment of enterprise committees with a mandate to ensure compliance with the *Code* at the level of the workplace.[14] It is too soon to tell what will happen

[10] A good example of this phenomenon occurred at the Steel Company of Canada in the early 1980s. In the late 1970s, the company and Local 1005 of the United Steelworkers Union signed a multi-year agreement based on projections that turned out to underestimate the company's performance. The union, whose members' wages were falling behind inflation, asked that the contract be voluntarily reopened. The company refused. When the contract expired the union demanded a large increase, in part to make up for what it felt it had forgone. At that time the economy was heading into a recession and the company's prospects really were bleak. The result was a nasty strike, which threw Stelco into the red for the first time this century. The full story is reported in Adams 1988.

[11] Adams 1995b and ILO 1997.

[12] For a general review of French developments, see Goetschy and Jobert 1998.

[13] For a review of these efforts as of the mid-1980s, see Adams 1986.

[14] For information on the panel and its work, see Web page http://www.chrareview.org/index.html

with this latest report. However, with the exception of health and safety, past recommendations have been almost entirely ignored.[15]

These strategies, which are technically feasible even if contemporary political norms make them unlikely, would put an end to the representation gap and help to get rid of the dysfunctional animosity that pervades our system.

How do we get an annual national wage debate? If the federal and provincial governments could come to agreement, legislation could be introduced specifying that the wage clauses of all collective agreements expire on the same date each year. That step certainly would provoke public discussion, which in turn would pressure the parties to rationalize their negotiations. Experience with systems that exhibit these dynamics suggests that the result would be more equity, less conflict and probably lower unemployment.

The above steps would probably provide sufficient incentive for employers, especially small and medium-sized ones, to form associations to deal with employee organizations. Agreements negotiated by such associations and representative unions or coalitions of unions, could be "extended" by legislation to non-members. This would ensure higher levels of income equity, and thus, less reason for discontent and conflict across the economy. We already have some experience with the technique in Quebec. Despite emerging evidence of the competitive economic advantages of multi-employer bargaining, the Quebec government is reducing its reliance on extension, based on the increasingly doubtful notion that the flexibility of disorganized and decentralized employment relations confers some benefit.[16]

We could, as many European countries do, allow employees to elect at least some members of corporate boards. Contemporary research and thought, even by sober financial experts such as the Brookings Institution's Margaret Blair (1995), suggests that such a strategy might stabilize corporations and stimulate them to perform better by concentrating on the longer-term viability of the firm rather than on short-term profits.

We could do all of those things if we had the political will. But no such political will exists because the *Wagner Act* model, despite its defects, has the insidious effect of eliciting loyalty from all three parties.[17] Trade unions support the model because, even though it makes organizing new members very difficult, it provides them with strength where they have legal bargaining rights. Business likes it because the conventions that have grown up around it permit unorganized companies legitimately to engage in bargaining avoidance, thus maximizing their decision-making autonomy. Organized companies have learned how to function effectively within the constraints imposed by their union antagonists and to limit the union influence through devices such as management's rights clauses. Governments like the model mostly because of the two major parties' acceptance of the employment relationship it has spawned.

This political deadlock means that the Canadian industrial relations system is not likely to be overhauled any time soon despite its fundamental weaknesses. There are, however, some factors in the current environment that may eventually compel a reconsideration of the system.

On the negative side, drastic government cutbacks during the past decade have produced increasing income differentials and rising discontent among those most deeply affected.[18] Many observers believe that,

[15] The only other exception that I know of is federal legislation that provides for a joint process in both unionized and non-unionized firms in the federal jurisdiction to deal with the employee consequences of plant shutdowns.

[16] Extension legislation is very common in Europe. See, for example, the discussion of it by Franz Traxler (1998). Unfortunately, Quebec seems to be moving away from extension on the theory that a deregulated labour market will be more flexible and thus more competitive. Dutch researchers Teulings and Hartog (1998) have recently argued very forcefully that this notion is false. They argue that in deregulated markets nominal contracts are rigid, while multi-employer bargaining increases flexibility by allowing for adjustment to aggregate shocks. See especially their chapter 2. Recent Quebec developments are documented by Murray, Lévesque and Vallée (2000).

[17] For a more extensive discussion of this phenomenon, see Adams 1995a.

[18] On the opening up of the gap between the rich and the poor in Canada see, for example, the reports in *The Globe and Mail* by Bruce Little, June 19, 2000.

should this trend continue, the result will be escalating social conflict. We'll see more riots, spontaneous work stoppages and a rise in crime and industrial sabotage. In short, given current trends and the right conditions, at some future time, we might have to go through the Dirty Thirties all over again. That won't happen in countries with broad bargaining representation and a strong labour movement. International research suggests that those institutions ensure a system that provides equity and security and thus greater acceptance across the socio-economic spectrum of the political economy.[19]

On the positive side is the growing international accord regarding human rights in employment.[20] As a result of international discussions and negotiations precipitated by globalization and the movement towards freer trade, there is a strengthening international consensus that a core set of labour rights should be elevated to the status of fundamental human rights. As such, they should be aggressively instituted by governments everywhere. Among these core rights are those of freedom of association and the right to bargain collectively. The International Labour Organization has taken on the role of championing compliance with these rights. In 1998 it adopted a Declaration of Fundamental Principles and Rights at Work that was passed unanimously by representatives of labour, management and government from countries around the globe.[21] Canada was a keen supporter of that Declaration. Notably, the process leading to the Declaration was initiated by employer representatives at the International Labour Organization.

The notion that core labour rights, including the right to bargain collectively, should be treated as fundamental human rights has also won the support of such international organizations as the World Trade Organization and the Organization for Economic Cooperation and Development.[22] In 1998, the United Nations proposed a Global Compact under which international business and non-governmental organizations from around the globe would commit to support compliance with human rights standards and with international environmental standards.[23] Among the first organizations to sign on to the Compact was the International Chamber of Commerce. In short, the global consensus is supported, at least at the level of rhetoric, by organizations from across the political spectrum. That collective bargaining should be treated as a human right has moved beyond the level of debate. The question now is whether those who have signed on will abide by their word or will instead reveal themselves to be immoral hypocrites.

It has long been Canadian policy to be in the forefront of international practice regarding human rights. With respect to the right to bargain collectively, our representation gap provides objective evidence that we are well behind the leaders. Our deviance is no doubt due primarily to ignorance rather than bad faith. As Canadians become aware of our moral delinquency, it will be increasingly difficult for them to accept the gap between our formal values and our behaviour. This may be the issue that precipitates fundamental change in our system.

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[19] See, for example, the ILO reports and the book by Teulings and Hartog.

[20] See, for example, Adams and Friedman 1998.

[21] The full text of the Declaration is included in the ILO report entitled *Your Voice at Work*.

[22] I have documented the evolution of collective bargaining as a human right in the *Labor Law Journal* article referenced in the Bibliography (1999).

[23] Information on the Global Compact is available at http://www.un.org/partners/business/globcomp.htm

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UNIONS WITH LARGEST MEMBERSHIP
1999-2000

	Membership (000s)	
	1999	2000
Canadian Union of Public Employees (CLC)	461.8	485.0
National Union of Public and General Employees (CLC)	309.0	325.0
National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada)	215.0	220.0
United Food and Commercial Workers International Union (AFL-CIO/CLC)	200.0	210.4
United Steelworkers of America (AFL-CIO/CLC)	200.0	190.0
Public Service Alliance of Canada (CTC)	142.3	146.6
Communications, Energy and Paperworkers Union of Canada (CLC)	144.3	144.3
International Brotherhood of Teamsters (AFL-CIO/CLC)	93.0	100.2
Fédération de la santé et des services sociaux (CSN)	97.0	97.0
Service Employees International Union (AFL-CIO/CLC)	81.5	90.0
Fédération des syndicats de l'enseignement (CEQ)	82.6	80.9
Laborers' International Union of North America (AFL-CIO/CLC)	60.0	60.0
International Brotherhood of Electrical Workers (AFL-CIO/CLC)	57.0	59.6
United Brotherhood of Carpenters and Joiners of America (AFL-CIO/CLC)	56.0	56.0
Canadian Union of Postal Workers (CLC)	54.8	54.8
Elementary Teachers' Federation of Ontario (Ind.)	62.2	52.4
Ontario Secondary School Teachers' Federation (CLC)	46.0	51.4
Fédération des infirmières et infirmiers du Québec (Ind.)	47.5	47.5
International Association of Machinists and Aerospace Workers (AFL-CIO/CLC)	50.0	45.0
Ontario Nurses' Association (Ind.)	45.0	45.0
British Columbia Teachers' Federation (Ind.)	45.0	44.0
Industrial Wood and Allied Workers of Canada (CLC)	43.5	40.4
International Union of Operating Engineers (AFL-CIO/CLC)	40.0	40.0

Source: Workplace Information Directorate

EQUALITY IN EMPLOYMENT: CHALLENGES IN THE 21st CENTURY

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This article outlines the challenge of equality of opportunity posed by management of diverse workforces in the era of globalization and global competition. It examines the experiences of six selected countries that have equal opportunity and employment equity/affirmative action policies: Canada, India, Malaysia, South Africa, the United States, and Britain (and Northern Ireland).

For instance, India and Malaysia have constitutionally sanctioned reservations (or quota) policies; the United States has presidential executive orders requiring affirmative action of federal contractors and subcontractors, with mandated goals and timetables; Canada and South Africa have legislated equal opportunity and employment equity policies, with goals and timetables; Britain has voluntary affirmative action or positive programs in recruitment and training; while Northern Ireland has an effective legislated affirmative action policy and goals and timetables for Catholic minorities.

The article outlines an employment equity index and looks at "best practices" relating to equal opportunity and employment equity/affirmative action programs based on the experiences of these six countries. It also examines lessons to be drawn from the success or failure of these policies and whether such policies can be a source of competitive advantage in the global economy.

Introduction

The beginning of the 21st century presents a range of ideas and reflections on whether national policy makers and organizations are capable of meeting the challenges posed by globalization and increasing competition. One such challenge is the extent to which equality of opportunity is afforded to all members of the increasingly diverse workforces in various nations around the world.

This article examines:

- The experiences of countries where equal employment and employment equity/affirmative action policies have been designed to assist the majority population, such as in South Africa and Malaysia;
- Selected country experiences with quotas/reservations, legislated goals and timetables, and positive action policies and programs. For example, India and Malaysia have affirmative action programs with constitutionally sanctioned mandatory programs; the United States has presidential executive orders requiring affirmative action for federal contractors and subcontractors, with mandated goals and timetables; Canada and South Africa have legislated equal opportunity and employment equity/affirmative action policies, with goals and timetables; and Britain has a policy of voluntary affirmative action programs, while Northern Ireland has legislated goals and timetables and programs for Catholic minorities; and
- "Best practices" relating to equal opportunity and employment equity/affirmative action, based on the experiences of these selected countries, as well as lessons to be drawn from the success or failure of these policies in the six countries, and whether such policies can be a source of competitive advantage in the global economy.

— This article is based in part on a paper presented at the World Congress of the International Industrial Relations Association in Tokyo, Japan. See, Harish C. Jain, Global Equity in the 21st Century, Proceedings of the 12th World Congress, Search for Flexibility, Fairness and Prosperity: Alternative Employment Policies in the 21st Century, International Industrial Relations Association, May 29-June 2, 2000, Tokyo, Japan, pages 70-81.

Selected Country Policy Responses to Employment Equity/Affirmative Action Programs

I have selected several countries to illustrate policy responses to discrimination in employment. The policies of India, Malaysia, Canada, the United States, South Africa, Britain, and Northern Ireland will be examined in some detail.

In Malaysia and South Africa, affirmative action policies deal with the majority communities. In Malaysia, such policies deal with the *Bumiputras* ("sons of the soil"), who comprise approximately 59 per cent of the population. In South Africa, constitutional guarantees of equality of opportunity, employment equity legislation and other policies deal with blacks, who make up more than 70 per cent of the population, and with females, coloureds, Asians, and persons with disabilities. In India, the government's task is one of addressing inequalities for a significant number of minorities such as scheduled castes and scheduled tribes. Both groups constitute 21 per cent, or more than 200 million, of the 864 million population as of 1991 (Jain and Ratnam, 1994). In Canada and the United States, employment equity target groups include racial minorities, women, Aboriginal Peoples, persons with disabilities, and (in the United States) war veterans. In both countries, close to 45 per cent of the workforce consists of women; racial minorities constitute more than 21 per cent of the labour force in the United States and 10.3 per cent in Canada. In Britain, racial minorities form only 4.5 per cent of the working population, but their visibility is increased by their concentration in large metropolitan areas. Women make up 43 per cent of those at work. For people in Northern Ireland, ethnicity and religion are closely intertwined. Their community of origin affects whom they marry, where they live, what school their children attend, their choice of employers, etc. (Cormack and Osborne, 1991) The Catholic minority (42 per cent) is sizeable and growing relative to the Protestant majority (58 per cent). According to the Fair Employment Commission, affirmative action is the key mechanism affecting the working environments inside companies.

The Indian Experience

Indian society has traditionally been based on a caste hierarchy that places the priestly caste at the top and those doing manual labour at the bottom. One group of disadvantaged people are the so-called untouchables, generally known as the scheduled castes. The second group are the tribal peoples, who are disadvantaged because they are isolated in remote places. They are known as the scheduled tribes.

Members of the scheduled castes and scheduled tribes are predominantly in the unorganized, informal sector, and thus largely unprotected. A substantial majority are dependent on agriculture but do not own land, which leads to very low wages and bonded labour. (Kaur, 1997)

When India became independent in 1947, the nationalist leaders were committed to removing job and other barriers faced by these two groups. They wrote into the Constitution provisions prohibiting discrimination on grounds of religion, race, caste, sex, descent, place of birth, or residence. The purpose was to eliminate discrimination against the castes and to facilitate spatial and social mobility for the tribes.

As a direct result of the constitutional provisions, a reservations or quota policy came into effect. Both scheduled castes and scheduled tribes were given seats in the Parliament and in the state legislative assemblies in proportion to their population. Quotas or reservations (22 per cent) provisions were made for employment in the national and state governments and public sector jobs (public enterprises), as well as for admission into schools, colleges, and medical and engineering schools. Thus, in the Indian experience affirmative action is defined quite rigidly in terms of reservations and quotas. The rationale for constitutional safeguards and affirmative action programs for the socially and economically depressed classes lies in the obnoxious practice of untouchability in respect of castes and exploitive slavery in respect of both the castes and tribes.

In 1990, the Indian government announced that there would be additional quotas or reservations for "other backward classes". The government adopted a quota of 27 per cent for the "other backward classes", on top of the 22 per cent provided for the scheduled castes and tribes. Thus, in all, 49 per cent of government jobs and admissions into colleges and medical and engineering schools were put aside for approximately three quarters of the population. (Jain and Ratnam, 1994)

The Supreme Court of India was asked by several parties to stay the government's order of a quota of 27 per cent for the "other backward classes". In its decision of November 16, 1992, the Supreme Court upheld the government's order (by a majority of six to three) to provide job quotas for the classes. The Court decided that reservations for all three groups should not ordinarily exceed 50 per cent. As well, candidates selected for reserved positions must meet certain conditions of eligibility to satisfy the requirement of efficiency in administration. The judgement exempted from reservations appointments to certain positions, for example, defence personnel, research scientists, medical scientists, and university professors.

The achievements of affirmative action in India are significant, even if they fall short of the quotas, particularly with regard to securing proportionate representation in professional and managerial positions. (Jain and Ratnam, 1994) There is a small but growing middle class of untouchables and tribals.

Affirmative action in India has survived and strengthened because of popular and political support. More than one out of every five seats in the Parliament are filled by scheduled castes and scheduled tribes candidates, as guaranteed by the Constitution. Similar reservations exist with respect to the state legislatures. Continued political pressure from the elected representatives belonging to the caste and tribal communities, who account for 22.5 per cent of parliamentarians and legislators, keeps government and public enterprise managers on their toes. (Jain and Ratnam, 1994) However, progress has been slow on account of low economic growth in the 1950-1990 period. Resources have remained scarce for the expansion of affirmative action in education and other social services.

It has also become increasingly apparent that the beneficiaries of the provisions are likely to be those who were already the better-off members of the disadvantaged communities, and not the worse-off members in whose name quotas were made. In fact, in its 1992 decision, the Supreme Court of India was concerned about the flow of benefits to what is called the "creamy layers" among the disadvantaged. It noted that no really effective way has been found for diverting the benefits of reservation from the better-off to the worse-off members of backward communities. (Beteille, 1993)

Experience in Malaysia

The post-independent government in Malaysia was formed by a coalition of three ethnic groups: the Chinese, the Indians, and the Malays. Following independence in 1957, an accord was forged among the three groups: citizenship for the Chinese and Indians in return for preferential treatment for the Malays under the Constitution. (Puthucheary, 1993; Weiner, n.d.) However, after the riots that followed the 1969 elections it was felt that the ethnic Malay community was economically disadvantaged and that this situation was not conducive to national stability and unity.

A new economic policy resulted in a fundamental restructuring of the Malaysian economy to correct economic imbalances. Several strategies were employed to increase the employment and earned income of *Bumiputras*. Quotas were introduced in various areas such as admission to university and ownership of equity. Quotas were also used extensively in the public sector, where *Bumiputras*, especially those with educational qualifications, found ready employment. Appointments in the civil service were made at a ratio of four Malays to one non-Malay. While there was some resentment on the part of non-Malays, the Chinese leadership within the governing alliance was willing to go along. In fact, the Malays and the Chinese elites struck a political bargain. The deal was that the Chinese could make money, while the Malays could run an administration that pursued pro-growth policies. (Emsley, 1992)

Substantial changes were made to the Constitution to guarantee the special position of Malays. Furthermore, future governments could not amend this section of the Constitution even if they had the two-thirds majority required for other constitutional amendments. Amendments to the sedition laws were passed to make it illegal to question these rights inside or outside Parliament.

In the period after the new economic policy, the government decided to continue the quota program. (Mahathir, 1991) According to Puthucheary (in Weiner, n.d.), the combination of economic growth and special benefits produced a Malay middle class.

Results of the Policies

In 1969, Malays held only 2.0 per cent of the equity in firms and few Malays were in management. By 1990, Malays had 22 per cent of equity, though much of it

was in the hands of Malay institutions rather than individuals. (Weiner, n.d.) Throughout the 1980s and 1990s, the economy of Malaysia grew between 6 and 7 per cent per year. In private sector employment, Malays exceeded the 50 per cent target set in the first plan, reaching 61.8 per cent in the professional and technical categories by 1990. The Malays also improved their representation in the administrative and managerial groups, from 22.4 per cent in 1970 to 31.3 per cent in 1990, although the target was 49.3 per cent. This missed target reflects low Malay representation at the managerial and supervisory levels in the manufacturing and service sectors. (Hodges-Aeberhard and Raskin, 1997)

The most significant change over the years has been the reduction in the incidence of poverty from 68.3 per cent of the population in 1970 to 8.8 per cent in 1994. (Ganguly, 1997)

There have also been some negative consequences of affirmative action. First, it has been difficult for the civil service to maintain its image as impartial and politically neutral when it is constantly making decisions based on ethnic considerations rather than on the objective criteria of need and merit. (Puthucheary, 1993) Second, affirmative action can result in the perpetuation and even strengthening of ethnic cleavages. Third, affirmative action programs tend to lead to conflicts within the preferred groups themselves, since the benefits of these programs often accrue disproportionately to better-off members of the groups. This is especially the case between the dominant Malay group and the other indigenous subgroups that together make up the *Bumiputra* category, such as the Sarawak and Sabah groups. Finally, some critics have argued that once affirmative action provisions are introduced, they become permanently entrenched in the political system, serving the interests of a small minority.

The United States Experience

In the United States, initially the country had to address the problem of a disadvantaged minority rather than a majority or large plurality. The term affirmative action first appeared in United States law, in the *Civil Rights Act* of 1964, title VII. This statute covers both private and public sector employers with 15 or more employees. According to Leonard (1984a), more than 1,700 class action suits have been filed under this legislation. These suits have been among the most powerful prods to increasing minority and female employment.

In 1965, then President Lyndon Johnson issued an executive order requiring affirmative action in employment and promotion of all federal contractors, even if they had never discriminated. Leonard (1985) has found that even though the goals may be inflated somewhat by a federal contractor and are not usually attained, the contractor that promises to employ more minorities does actually employ more in subsequent years. Affirmative action plans by federal contractors have resulted in employment and occupational advances for minorities in the United States. (Leonard, 1984b)

Experience in Britain and Northern Ireland

In Britain, equal employment opportunity legislation was initially introduced during the 1970s and has been gradually expanded to include more groups and to cover more aspects of employment.

There is separate legislation covering sex, race, and disability and separate arrangements with separate enforcement agencies in Britain and in Northern Ireland. In Northern Ireland, religion is the main reason for the Fair Employment legislation. An important development since 1973 is the role of European Community legislation, which takes precedence over United Kingdom law and has brought about changes in the British legislation, especially relating to women. (Sloane and Mackay, 1997) Britain became a member of the European Community in 1973 and thus subject to its law.

In Britain, the Equal Opportunities Commission and the Commission for Racial Equality are the enforcement agencies for the *Sex Discrimination Act* and the *Race Relations Act*, respectively. They have the power to request information from employers and other organizations, to undertake formal investigations, and to issue "non-discrimination notices". Both agencies have the authority to issue codes of practice. While adherence to such codes is voluntary on the part of employers, non-compliance may be taken into account in legal proceedings.

Although there is no general provision for affirmative action in these two pieces of legislation, it is permissible in recruitment and training where there have been fewer or no members of one race or sex in particular work in the previous 12 months.

Northern Ireland has its own Sex Discrimination Order, 1976, and Equal Opportunities Commission, but

legislation covering racial discrimination was enacted only recently. Religion, not covered by legislation in Britain, has the most extensive legislative coverage in Northern Ireland, with provisions for both affirmative action and contract compliance. Although legislation prohibiting discrimination on the basis of religion has existed in Northern Ireland since the partition of Ireland in 1920, it was not until the enactment of the *Fair Employment Act* of 1976 that employment discrimination on the basis of religion and political opinion in both public and private employment was outlawed.

Due to the ineffectiveness of the first *Act*, another *Fair Employment Act* was passed in 1989, considerably strengthening the provisions. The 1989 *Act* provided for compulsory registration of employers of more than 10 workers with the Fair Employment Commission; compulsory annual monitoring of workforces and of applicants for employment; and a compulsory review every three years of recruitment, training, and promotion practices. It also required affirmative action with goals and timetables and a new code of practice. Penalties under the *Act* include criminal penalties, economic sanctions, exclusion from tendering for government contracts, and denial of any government grants. (Sloane and Mackay, 1997)

The Fair Employment Commission's enforcement powers are substantially greater than those of the Equal Opportunities Commission and the Commission for Racial Equality in Britain. However, according to Commission for Racial Equity, there has been increasing acceptance of ethnic monitoring in the 1990s. Hence, this Commission made several proposals to the government in 1993. These included the compulsory monitoring of the ethnic origins of those in employment, contract compliance, powers for local authorities, and class action suits in industrial tribunals.

In its annual report for 1994-95, Northern Ireland's Fair Employment Commission reported that between 1990 and 1994, the overall proportion of Catholics had increased in every occupational group. The largest increase was in managerial and professional occupations, with increases of 3.9 per cent in the case of managers and administrators and 5.4 per cent in the case of professionals. The Commission concluded that about half the under-representation of Catholics, both in employment and in the top two socioeconomic groups, had been eliminated in the four years of monitoring. By 1994-1995, 20 large organizations had agreed to written and binding agreements to affirmative action programs, and a further 10 were in the process of doing so. (Sloane and Mackay, 1997)

A Case Study of Diversity in Canada

Canada's population and workforce are becoming increasingly pluralistic. Forty-two per cent of Canadians report origins other than French or British, while 16 per cent of Canadians are foreign born. (Heritage Canada, 1996:2) In the context of employment equity/affirmative action policy formulation, this section refers to four designated groups: women, visible minorities, Aboriginal Peoples, and persons with disabilities.

Table 1 shows the representation of these four groups in the Canadian workforce from 1981 to 1996. The proportion of women and Aboriginal Peoples has remained almost steady. The proportion of visible minorities has more than doubled, from 4.9 per cent to 10.3 per cent. Persons with disabilities represent 6.5 per cent of the labour force.

Table 1

Percentage of Workforce Representation of Designated Groups in Canada (1981, 1986, 1991 and 1996)

	1981	1986	1991	1996
Females	42.1	44.0	45.9	46.5
Aboriginal Peoples	1.3	2.1	3.0	2.1
Visible minorities	4.9	6.3	9.1	10.3
Persons with disabilities	n/a	n/a	6.5	6.5

Source: 1981, 1986, 1991, 1996 census data, Statistics Guide

Policy Responses in Canada

The Canadian responses to improving the status of designated groups such as women, ethnic minorities, Aboriginal Peoples, and persons with disabilities can be divided into three groups. One category of response takes the form of prohibiting discrimination on enumerated grounds. The federal government and all the provinces and territories, for instance, have human rights legislation prohibiting discriminatory treatment on several grounds, including gender, race, ethnic origin, religion, and age. Section 15(2) of the *Canadian Charter of Rights and Freedoms* guarantees certain rights and freedoms without precluding employment equity programs. This section applies to all government agencies across Canada: federal, provincial, territorial and municipal.

The second category of response has been to enact specific legislation aimed at implementing employment equity programs. This has taken the form of the federal *Employment Equity Act* of 1986. The 1986 *Act* mainly covers employers in three sectors: banking, transportation, and communications. It was amended in October 1995 and strengthened to include federal government agencies for the first time. It now covers about 343 private sector employers and federal Crown corporations with a total of 576,965 employees. (Jain, 1995)

The third category of response has been to use administrative policy (as opposed to legislation) to require implementation of employment equity programs. The best example here is the Federal Contractors Program (1986), which requires organizations with 100 or more employees bidding on federal government contracts of $200,000 or more to undertake employment equity programs. As of March 31, 1995, the Federal Contractors Program covered 1,286 employers and 1,129,708 workers. (Jain, 1995) Contractors are required to remove barriers faced by the four designated groups in selection, hiring, promoting and training; to mount proactive measures; and to come up with specific goals and timetables.

Table 2 indicates the progress – or lack of progress – since the *Employment Equity Act* was enacted in 1986. The table indicates the status of the four designated groups in 1987, the first year after enactment, and in 1994 and 1996. The table shows representation in each sector overall and in selected large companies. Regarding the representation of women, the banking sector shows the ghettoization of women phenomenon, and the transportation industry has a long way to go. The communications sector seems to be the only one that comes close to matching the external representation of women. All industrial sectors have a dismal representation of Aboriginal Peoples. Persons with disabilities are also poorly represented across all sectors. Visible minorities show a great deal of improvement in overall representation from 1987 to 1996. In banking they exceed their external representation, while in transportation their representation has improved somewhat but is still less than one-half their availability in the external labour market. Visible minorities have improved their share of representation in the communications sector from 4.1 per cent in 1987 to 8.8 per cent in 1996. However, this is still below their external availability according to the 1996 census.

Table 2 also shows the representation of the four designated groups in selected large organizations in each of the three industrial sectors covered by the federal *Employment Equity Act*. Women are over-represented in all six chartered banks relative to their representation in the Canadian labour force in 1996. This is not the case in the other industrial sectors. Females are under-represented in all seven prominent transportation companies, relative to the census, except for some improvement at Canadian Airlines and to some extent at Air Canada (41 and 36.5 per cent respectively). Women's representation at these two airlines exceeds women's overall representation in the transportation sector, while Voyageur and Greyhound show slightly higher women's representation than the sector overall. In the six companies in the communications sector, oniy CTV and Bell Canada show a higher representation of women relative to the census as well as the sector generally.

Of all the designated groups, Aboriginal Peoples have seen the least improvement in almost all the large companies in the three industrial sectors. They remain under-represented in all the companies in Table 2 relative to their census representation; however, at least three banks fare well relative to Aboriginal representation in the banking sector overall. Persons with disabilities improved their representation from 1987 to 1996 in relatively few companies and remain under-represented in the selected companies in all three sectors. Visible minorities exceed their census representation in the selected banks (except for the National Bank of Canada) in 1996 relative to 1987. However, they are below the census representation in the selected companies in both the transportation and communications sectors.

Table 2

Representation of Designated Groups in Major Companies in Canada 1987, 1994, 1996 and by Census Labour Force, 1996

Designated Groups	Women			Aboriginal Peoples			Persons with Disabilities			Members of Visible Minorities		
Sector and Company	1987 %	1994 %	1996 %	1987 %	1994 %	1996 %	1987 %	1994 %	1996 %	1987 %	1994 %	1996 %
Sector: Banking	**76.1**	**75.9**	**74.8**	**0.6**	**1.0**	**1.1**	**1.8**	**3.7**	**3.7**	**9.5**	**13.7**	**14.1**
Royal Bank of Canada	77.2	77.2	76.3	0.1	0.8	0.9	1.6	3.4	3.5	7.5	10.8	10.5
Canadian Imperial Bank of Commerce	78.2	76.5	75.0	0.7	1.1	1.1	4.0	2.6	2.3	12.2	14.3	13.9
Bank of Montreal	74.6	75.1	73.2	0.3	1.3	1.9	0.7	2.7	2.5	9.6	14.1	15.8
Bank of Nova Scotia	76.9	77.3	76.1	1.1	1.5	1.6	0.5	6.8	6.5	10.6	16.6	17.0
Toronto-Dominion Bank	77.4	74.3	72.6	1.0	0.7	0.7	2.3	6.9	6.1	10.9	17.6	18.4
National Bank of Canada	77.2	81.5	44.8	0.4	0.7	1.2	0.5	1.9	2.7	1.3	3.1	9.2
Sector: Transportation	**16.9**	**20.8**	**21.8**	**0.7**	**1.2**	**1.2**	**1.4**	**1.7**	**1.6**	**2.6**	**4.2**	**4.8**
CN	7.7	7.2	8.4	1.0	2.0	1.7	1.8	2.4	2.4	2.8	7.0	4.7
Air Canada	33.5	34.8	36.5	0.21	0.1	0.5	1.1	1.2	1.4	2.9	4.1	5.8
CP Rail	6.4	7.6	6.9	0.5	0.7	0.7	1.1	1.2	1.1	1.8	2.5	2.5
Canadian Airlines International	37.1	40.0	40.9	0.4	0.4	0.4	0.6	1.1	1.0	2.9	6.0	6.6
Greyhound	16.7	20.9	24.2	0.1	0.6	0.4	1.0	0.0	0.0	1.6	2.1	1.6
VIA	19.0	19.0	20.6	0.5	0.8	0.9	1.8	2.5	2.5	4.8	8.0	8.5
Voyageur	13.2	21.2	26.6	0.0	0.5	0.6	1.0	1.0	1.2	1.5	3.1	4.7
Sector: Communications	**39.6**	**41.5**	**42.2**	**0.6**	**1.0**	**1.1**	**1.4**	**2.2**	**2.5**	**4.1**	**7.2**	**8.8**
Canada Post Corporation	36.2	37.5	38.1	0.9	1.1	1.5	1.9	2.9	4.1	4.0	6.3	8.6
Bell Canada	50.4	47.2	57.3	0.5	0.5	0.7	1.0	2.3	1.9	4.1	5.5	8.4
Canadian Broadcasting Corporation	35.2	40.3	41.3	0.6	1.6	1.4	1.3	3.1	2.8	2.1	5.1	5.0
Purolator Courier Ltd.	22.6	24.5	23.1	0.1	0.5	0.6	0.3	0.5	1.6	1.2	4.6	12.6
CTV	46.2	59.6	45.6	0.0	1.8	0.9	2.0	1.8	1.8	5.7	14.0	8.3
CHUM Limited	32.6	33.8	35.9	0.1	0.3	0.3	0.5	2.4	2.3	1.3	3.8	4.7

Note: Representation of the designated groups in labour force (1991): women, 46.4%; Aboriginal Peoples, 2.1%; persons with disabilities, 6.5%; members of visible minorities, 10.3%.

Source: Adapted from Canadian Human Rights Commission, 1998 and the Annual Employment Equity Report of Human Resources Development Canada, 1998.

Effectiveness Criteria for Employment Equity

Legislation, compliance monitoring, and good intentions are all helped along by the development of effectiveness criteria. These are set out in the Employment Equity Index developed by Jain. (Jain and Hackett, 1989) Employment equity/affirmative action legislation in most countries including Canada and South Africa embodies these criteria.

In essence, the criteria allow employers to develop "best practices" and to implement and evaluate the effectiveness of employment equity programs.

The Employment Equity Index[1] consists of:

- Accountability
- Numerical goals and timetables
- Monitoring and control mechanisms
- Ongoing publicity
- Employment practice review
- Special target or designated group recruitment and training efforts
- Employment equity committee or co-ordinator
- Resources or budget

The Index is reflected in the characteristics of "best practices" defined below.

Best Practices

"Best practice" implies the concept of "better than compliance" with employment equity/affirmative action legislation. It asks employers to undertake proactive initiatives. The following description is based on research into private sector organizations compiled and analysed by the United States Equal Employment Opportunity Commission. (Jain and Bowmaker-Falconer, 1998; Jones, 1997)

According to the Commission Task Force (December 1997, page 25) a best practice:

- Complies with the law. A best practice is not accomplished by minimal compliance with the law, since all employers must meet that standard;
- Promotes equal employment opportunity and addresses one or more barriers that adversely affect equal employment opportunity;
- Manifests management commitment and accountability;
- Ensures management and employee communication. Management should participate and interact with employees and employee groups;
- Produces noteworthy results. A practice may look great on paper, but without implementation and results its value is subject to conjecture and is unrealized; and
- Does not cause or result in unfairness. An affirmative action plan cannot unnecessarily trammel the rights of non-designated groups.

Implications

In my view, the effects of diversity are long term. We are only beginning to examine the costs and benefits of decision making, creativity, and innovation as related to the management of plurality.[2] Cultural and ethnic differences can also increase costs through interpersonal conflict, communication breakdowns, and high turnover rates.

I have attempted to demonstrate that growing plurality in the labour force is a widespread phenomenon. It is not limited to a few countries that have acquired diverse populations through accidents of history. There are several reasons to expect that plurality in the populations and workforces of most nations will continue to grow in the next century. The forces of globalization will continue to move resources across national boundaries. This will include human resources. In technologically sophisticated industries such as computers, communications, and biotechnology, the workforce is already very diverse in most countries of Europe and North America and in several Asian countries. Firms are acquiring human resources to achieve a competitive edge and they are doing so independent of national boundaries. Facilitating the spread of this trend to other industries are decreasing costs (in real terms) and ease of travel. People can live and work in a place other than their homeland and still travel to see their families and keep in touch with their friends. The advent of electronic mail has also reduced the psychic costs of going elsewhere to seek your fortune.

[1] For a description of each of the factors in the Employment Equity Index, please see Jain and Hackett, 1989.

[2] The terms plurality, diversity, and employment equity/affirmative action for designated groups are used interchangeably.

I have argued that this increasing diversity requires a policy response from both governments and businesses. Ignoring this growing reality is only going to make the problems worse. Social conflict and upheaval can impose even higher costs. In the area of public policy, I have noted a number of approaches. These range from mandatory quotas for minority representation (e.g., through the Constitution in India) to goals and timetables that guide policy at the organizational level (e.g., in Canada and the United States). There is also evidence from South Africa that in a few cases industry can set up its own initiatives for proactive change.

I have not yet exhausted the full range of policy responses attempted in other countries. There is a need to keep looking for other creative ways for governments to promote greater equity. Acting on their leadership role within society, for example, governments can initiate education and training activities in this area. Quite often, acceptance of diversity depends upon the dominant values in a society. In this regard, governments could be much more effective in suggesting new directions, especially if this is done in advance of any law.

At the firm level, organizations can adopt the "best practice" approach discussed earlier.

Despite the growing reality of diversity in the workforce, most governments and firms are still dragging their feet over adopting labour market policies to address the needs of diverse groups. As a researcher, I find that only a small number of countries and firms have begun to collect data on diverse groups. Fewer still have formal policies aimed at harnessing the potential of diversity. Some governments and firms do not collect data on diversity because they claim the issue is too "sensitive". This very sensitivity, I would argue, points to the importance of dealing with the issue before it becomes a larger problem. It is imperative that both governments and firms should begin to collect data on diversity in all cases where the proportion of diverse groups approaches or exceeds the 5.0 per cent mark. These data can then be used to design policies and to measure the effectiveness of policies in place.

Conclusions

Employment equity/affirmative action policy measures stimulate positive changes in the workforces of affected employers in the selected countries. In particular, such public policy measures:

- Help broaden the focus of the affected employers to designated groups in the selected countries;
- Require employers to collect both stock and flow data on the designated groups in several countries such as Canada and the United States;
- Encourage many employers to devise new and innovative measures to attract, retain, and motivate designated group workers by adopting proactive hiring, training, promotion, and compensation policies;
- Persuade many employers to relate their human resource management plans to corporate plans by revamping the human resource function, and in many cases by developing human resource information systems to benefit both designated groups and other workers; and
- Sensitize employers to changing demographics, thereby helping managers develop policies to cope with these developments.

Implications at the Organizational Level

At the organizational level, much of the success or failure of employment equity/affirmative action programs can be attributed to whether employees believe that staffing processes for designated groups were procedurally fair. In other words, do employees perceive equity in the recruitment, selection, and promotion processes used to make managerial decisions relating to the target groups? If the process appears unfair, designated groups suffer negative self-perceptions of competence. Several studies support the notion that employees have higher perceptions of fairness when employment equity/affirmative action is achieved through certain competitive advantage arguments. (Greenberg, 1990; Heilman, McCullough, and Gilbert, 1996) Studies have also shown a relationship between procedural fairness and organizational outcomes such as trust in a decision maker.

Similarly, organizational determinants such as the status of the employment equity/affirmative action officer can have an impact on the success or failure of such programs. Pfeffer, Davis-Blake, and Julius (1995)

found that the salary paid to the head of a program affected the amount of change in the racial and gender composition of senior positions. An officer with higher status, and higher pay relative to other administrators in the same organization, was more likely to mobilize resources and have a higher proportion of women and other designated groups in the organization.

Note:
Since this article was written, the Equality Commission for Northern Ireland was set up under the provisions of the Northern Ireland Act of 1998. This Commission has taken over the existing Northern Ireland Orders relating to sex, disability, religious (fair employment) and other types of discrimination. There has been no harmonization of these Orders by the new Commission as yet, although this is planned for the future. Hence the provisions of the existing anti-discrimination legislation on religion/politics, sex, race and disability remain as they were before the Act. There has been no extension of fair employment provisions to any other grounds. Race, gender, disability and religion/politics legislation cover both the public and private sectors as well as employment and the provision of goods, facilities and services.

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INDUSTRIAL RELATIONS IN A NEW MILLENNIUM

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The beginning of a new century, like the beginning of a new year or a new decade, is usually a time for critical reflections on the past and the present, contemplation of the future, and explorations of desired changes and new directions. Since the 21st century is also the dawn of a new millennium, a countless number of organizations and institutions in all walks of life have been engaged over the past few years in a review and assessment of their failures and successes, and a rethinking of their activities, priorities and goals. The nature and scope of the current reviews, however, is different from the exercises of the past in that there is a growing belief that we are not simply entering a new century or a new millennium, but we are also witnessing the beginning of a new age – a new era with a vastly changed and highly complex environment that poses exciting challenges and offers potentially unlimited opportunities.

This perception is particularly common among industrial relations academics, practitioners and policy makers, who are convinced that the world of work is undergoing fundamental changes affecting all aspects of work, that is the premises, values, laws, institutions and practices that govern employment relationships. These changes are rooted in unprecedented and interrelated economic, political, social, demographic and technological developments. The changes are reshaping both individual behaviour and organizational goals and functions, and are redefining the nature of work and the workforce, the work environment and work relationships.

The overall impacts of these changes on the economy and society are highly uncertain. On the one hand, the dynamic "new economy" and post-industrial society, driven by forces of globalization and a revolution in information and communication technology, appear to promise exciting opportunities for greater prosperity and advancement, continuous learning and enhanced flexibility for both organizations and individuals. On the other hand, the process of restructuring in response to changing markets and technology is leading to heightened levels of insecurity, uncertainties, mental and physical stress, and a growing polarization in incomes and jobs, creating "winners and losers" and sowing the seeds of social division. To keep a healthy balance between exaggerated optimism and undue pessimism, it is important to understand and appreciate the successes and failures of the past century, the exact nature and scope of the current challenges facing us, and the choices we will have to make if we are going to overcome the stresses and strains associated with the change process and exploit the new opportunities available to us.

In this short article, I would like to look at the achievements and failings of the past century, the current state of work and the workplace, and possible directions for the future.

Achievements and Failures of the 20th Century

The past one hundred years have unquestionably been a period of extraordinary change in the world of work. Despite two world wars, a major depression, frequent ups and downs in economic activity, and unpredictable changes in markets and technology, the overall well-being of workers has improved significantly, far beyond our grandparents' wildest dreams. The unprecedented progress in the economic, political and social status of workers is evident in manyfold increases in real wages; a marked reduction in hours of work; public policies to protect workers from the risks of illness, involuntary unemployment, various forms of discrimination, disability, and accidents and injury at work; opportunities for education and training; provision of a public pension in retirement; constitutional recognition of rights of association and equality; and the expanded role and significance of labour organizations in the economy and society.

Indeed, in 1978, John Dunlop, widely regarded as the father of industrial relations as an area of study, wrote in an introduction to the book *Labor in the Twentieth Century* (a review of labour developments in the United States, United Kingdom, Germany, France and Japan) that the 20th century is likely to be known as the century of the worker or of the employees in advanced democratic societies. He based his prediction on the "unprecedented changes in the economic and social status of workers ... and the role

of labour organizations in the economic, industrial relations and political lives of the five countries." The magnitude of these changes, according to Dunlop, were without historical parallel, and not likely ever to be repeated on the same scale.

Dunlop's observations are as applicable to Canada as they were to the five countries on which he based his generalizations. The changes in Canada's economy and society over the past one hundred years, in particular the role and significance of work, and the economic and social status of workers, are truly unparalleled. The profound change in the quality of working life of Canadians since 1900 has been widely noted in many public policy and scholarly reviews, including the 50th and 75th anniversary issues of the *Labour Gazette*. Among the noteworthy changes are the following:

- the change from a largely agrarian economy to a knowledge-based service economy, reflected in the radical transformation of the industrial and occupational composition of the workforce and the marked increase in the relative importance of wage and salary earners and the decline in the proportion of self-employment;

- the phenomenal increase in the labour force participation rates, especially in the participation rates of women, particularly married women;

- an almost fivefold increase in real wages, with an unprecedented rise in nominal wages from about $25 a week in 1900, which was barely enough to meet the basic necessities of life, to an average wage of about $600 a week in 1999;

- a marked reduction in the hours of work, from 60 to 40 a week, and the change from a six-day work week to a five-day week with provisions for rest periods and premium pay for overtime and shift work;

- the universal coverage for health care, employment insurance, legally mandated standards for hours of work, minimum wages, paid vacations, holidays, notice of termination of employment, maternity and paternity leaves, health and safety protections, and human rights legislation, compared with an almost total absence of public policy to protect workers from any kind of risk or employer abuse, and poor wages and working conditions 100 years ago; and

- the prominent role and significance of unions and collective bargaining in setting terms and conditions of employment and influencing social and economic policy making in contemporary Canadian society, in marked contrast to the weak position of worker institutions at the beginning of the 20th century.

The achievements of the past century, brought about through active and supportive public policies, a progressive labour movement and many worker struggles, are indeed impressive.

The Current Climate of Anxiety

Why, then, do Canadian workers feel so insecure and uncertain about their future prosperity and continued well-being? The feeling of anxiety stems from the complex nature of the changes in markets, technology and public policy over the past two decades, the profound impact of these changes on all aspects of work, and the lack of organizational and institutional adaptations to facilitate adjustment. Recent remarks by Canadian Labour Congress President Ken Georgetti illustrate the concerns of working Canadians. In his preface to *Falling Behind: The State of Working Canada*, a study conducted by the Canadian Labour Congress and the Canadian Centre for Policy Alternatives, Mr. Georgetti writes that the recent economic and labour market developments are highly disturbing for working people and their families, who have been living in a "lean and mean" environment and have not made much progress in the 1990s. He describes the last decade as "the worst decade for Canadians in our history – as bad as the Great Depression decade of the 1930s." He points to the stagnation in the real wages of workers, the rising incidence of long hours, the scarcity and precarious nature of jobs, increased risks of temporary and permanent layoffs, the steady growth of poorly paid part-time and short-contract employment, rising inequality and poverty as a result of cuts in social programs, the constant elimination of jobs and the greater intensity of work due to downsizing and contracting-out. According to Mr. Georgetti, the new "market economy has failed to deliver rising living standards through higher earnings. Instead it has delivered insecurity and stagnant incomes for the great majority." The Canadian Labour Congress study further notes that:

> It is no coincidence that the erosion in wages and real incomes, deteriorating job quality, eroding social programs and public services, the

> greater economic insecurity that characterized the 1990s and indeed the some 20 odd preceding years were accompanied by a profound shift in the thrust of public policy ... towards creating a more deregulated, laissez-faire, and business-friendly environment. (Jackson and Robinson 2000)

Many of the findings of this study, in particular those related to jobs and earnings inequities, are corroborated by a recent Statistics Canada report, *The Performance of the 1990s Canadian Labour Market*. However, the Statistics Canada study points out that "there are a range of possible causes for the labour market outcomes of the 1990s" and that it is difficult to determine the extent of structural shifts in the nature of work.

Although we do not yet have a full understanding of the nature and scope of the changes, or of their implications, it is clear that the workforce, the type of new jobs created, the work environment, and the orientation of employment relationships at the beginning of the new century are very different from what they were two decades ago. Among the key features of today's workplaces are:

- a more diverse, better educated and much older work force;
- an increase in non-standard, contingent employment, now close to 47 per cent of all employment according to a recent Canadian Policy Research Networks study, with more part-time, temporary, short-term contracts, more home-based work with shorter job tenures, increased incidence of multiple job holding, and a shift in job creation towards self-employment;
- the rising relative importance of small, largely non-unionized workplaces with less than average wages and benefits, partly a result of an increasing focus on core competencies, outsourcing and subcontracting in large organizations;
- an increasing demand for knowledge workers and declining need for unskilled workers, due to changes in market demand and new technology;
- a polarization in hours of work, with rising proportions of workers working longer hours (50 or more) and shorter hours (20 or fewer), as well as an increasing trend towards paid and unpaid overtime;
- stagnant real wages and polarized earnings, with growing disparities in wages and benefits;
- high and increasing levels of insecurity, poor morale, work stress, health and safety risks and social tensions due to industry restructuring and a heavy emphasis on so-called high-performance work systems, with little regard for quality of work or life considerations;
- a declining rate of unionization and collective bargaining coverage, partly because of industry and occupational shifts and successive rounds of downsizing and restructuring in large private and public organizations, and partly because of increasing employer resistance to unionization; and
- a change in employment relationships from a uniform, established, permanent, lifetime attachment with assured wages and job security to a "more diverse, individualized, implicit, deregulated, decentralized, tenuous, and transitory relationship."

It is apparent that the workplace has undergone a significant change. The heightened insecurity, uncertainty and concerns for the future, it appears, are related to both the rapidity of change and the growing gap between the needs and aspirations of workers and the policies and practices of organizations. Adapting to change, especially the magnitude of change we are witnessing, is never easy.

As a Canadian Policy Research Network report on the future of work noted in 1997, it is understandable that many Canadians are very anxious about their future:

> However, what has intensified current concerns about the future of work is the erosion of ... institutions that traditionally have softened the impacts of change and helped us to adjust to new circumstances. These include the social safety net, the unions and collective bargaining institutions, and other employment systems that provided predictable improvements in wages, working conditions and living standards. (Betcherman and Lowe 1997)

The report concluded that "the weakening of these sources of security are linked to the rise of a laissez-faire ideology, which has resulted in a "survival of the fittest" environment. This has thrown much of the risk associated with the change onto to the shoulders of individuals and away from the collectivity."

Professor Tom Kochan, the well-known industrial academic, has similarly observed:

> *"The workforce and the nature of work have changed dramatically in recent decades while the policies and institutions governing them remain embedded in the doctrines and models suited to the economy and work force of the 1930s. Thus we are currently suffering from a serious mismatch between who works, how they do it, and how work fits into the global economy and with other key institutions into the society..."*(Kochan 1999)

The Challenges in a New Millennium

The changes taking place in the nature of work, in the work force and in employment relationships have important consequences for individuals and organizations. The implications for individual workers are obvious. They have to become more adaptable and flexible, capable of taking more initiative, responsibility and risks, and prepared to learn more technical and social skills. As one review of the changing nature of work has concluded, "the ability to reason and learn will be essential for the future of work" (Howard 1995). Workers will have to take more initiative and assume more responsibility, relate to others effectively and adapt readily to changing circumstances.

The implications for organizations and institutions are more serious, since their responses to changing market and workforce needs have been slow and ineffective, causing widespread insecurity, uncertainty and anxiety. Organizations and institutions – employers, governments and unions – have to make changes in their structures, policies and practices to meet the new needs and expectations of the workforce and to create a more stable and challenging work environment. While I have no desire to lay out a blueprint for a new set of policies and practices, I do want to offer a few guidelines and principles:

- **Governments**, as the guardian of the public interest, have to shoulder the major responsibility to facilitate an effective transition. Far from becoming passive and reactive, they have to provide leadership in effecting change, by facilitating a meaningful dialogue between various groups in society on the challenges and opportunities facing them, by creating a supportive macro environment for change, and by devising appropriate policies to make adjustment to change easier for organizations and individuals. Further, as the Canadian Policy Research Network document on the future of work suggests, governments have to become "brokers for the different interests in the society, and catalysts for new partnerships and a revitalized social contract." In the current climate of insecurity and uncertainty, amid increasing public mistrust in institutions and leaders, and given the growing gap between the goals and priorities of labour and business, Canadians need more rather than less government.

- **Employers** need to rethink their approaches and strategies towards work restructuring and employment relationships. If they are serious about developing a highly skilled, highly motivated, highly flexible and empowered workforce to effectively realize and respond to the full potential of changing markets and technology, they will have to reassess their high-performance work systems to reflect quality of work and life considerations and the need for an independent mechanism for a collective voice. Rather than avoiding unions or attempting to undermine their role and legitimacy, they should work together with unions to create more flexible and innovative organizations. Just as flexibility is necessary for their organizational renewal and prosperity, they must also understand the workers' need for flexibility to better balance their family and work life and to make use of opportunities for learning.

- **Unions** are important institutions in our economy and society. They must, however, change to reflect the evolving workforce, and they must modify their structures, policies and practices to meet the new and currently unfilled needs of workers. They have to become more inclusive, more democratic and more proactive in their strategies and approaches. In order to become an instrument of social and economic change, capable of influencing social and economic policies, they will have to become an integral part of the broader social movement, and devise new ways to attract those workers who want and need a collective voice but have been denied this right because of ineffective public policy, employer opposition or poor union image.

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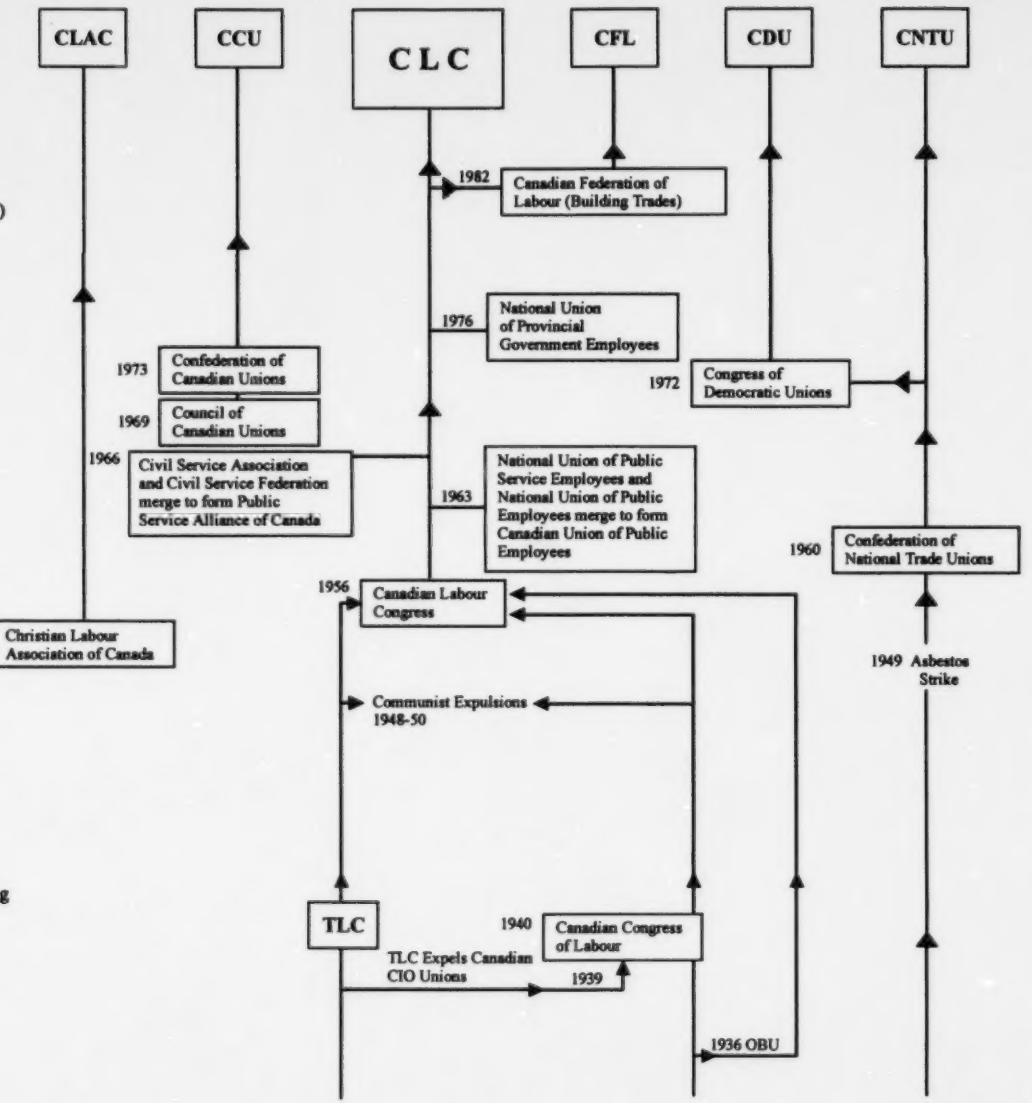
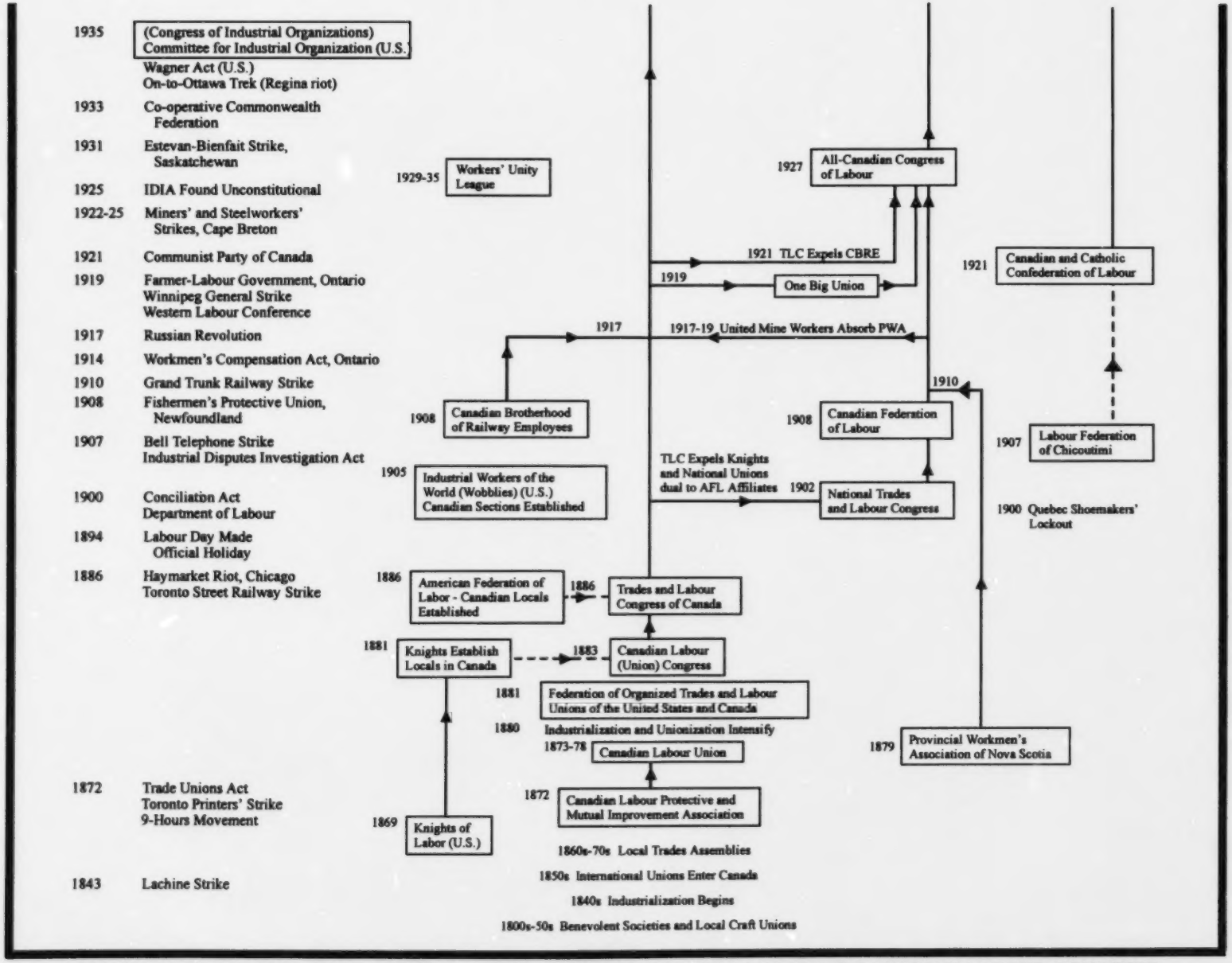
HISTORICAL HIGHLIGHTS OF THE CANADIAN LABOUR MOVEMENT

RELATED EVENTS

1989	Public Service Strikes
1987	Postal Strikes
1986	Gainers Strike Newfoundland Public Service Strikes IWA-Canada Strike
1985	Canadian Auto Workers
1983	Operation Solidarity
1982-84	'6 and 5' Restraint Programme
1981	CLC Interest-Rate Rally (November 21)
1980	Houdaille Occupation PSAC Clerks' Strike
1978	Fleck Strike INCO Strike, Sudbury
1976	CLC Day of Protest (October 14)
1975-78	Wage and Price Controls
1972	Common Front Strike, Quebec
1971	Canada Labour Code
1967	Public Service Staff Relations Act
1965	Postal Strike
1963	Labour College of Canada
1961	New Democratic Party
1959	Newfoundland Loggers' Strike
1957	Murdochville Strike
1955	AFL-CIO (U.S.)
1948-52	Eaton's Organizing Drive
1950	National Railway Strike
1948	Industrial Relations and Disputes Investigation Act
1946	IWA Strike, B.C. Stelco Strike, Hamilton
1945	Rand Formula Establishes Check-Off Ford Strike, Windsor
1944	P.C. 1003 Establishes Union Certification and Recognition and Compulsory Collective Bargaining
1941-42	Kirkland Lake Strike
1940	Unemployment Insurance Act
1937	General Motors Strike, Oshawa AFL Expels CIO
1936	Steel and Auto Organize




1935 (Congress of Industrial Organizations) Committee for Industrial Organization (U.S.)
Wagner Act (U.S.)
On-to-Ottawa Trek (Regina riot)
1933 Co-operative Commonwealth Federation
1931 Estevan-Bienfait Strike, Saskatchewan
1925 IDIA Found Unconstitutional
1922-25 Miners' and Steelworkers' Strikes, Cape Breton
1921 Communist Party of Canada
1919 Farmer-Labour Government, Ontario
Winnipeg General Strike
Western Labour Conference
1917 Russian Revolution
1914 Workmen's Compensation Act, Ontario
1910 Grand Trunk Railway Strike
1908 Fishermen's Protective Union, Newfoundland
1907 Bell Telephone Strike
Industrial Disputes Investigation Act
1900 Conciliation Act
Department of Labour
1894 Labour Day Made Official Holiday
1886 Haymarket Riot, Chicago
Toronto Street Railway Strike
1872 Trade Unions Act
Toronto Printers' Strike
9-Hours Movement
1843 Lachine Strike
1929-35 Workers' Unity League
1927 All-Canadian Congress of Labour
1921 TLC Expels CBRE
1921 Canadian and Catholic Confederation of Labour
1919 One Big Union
1917 1917-19 United Mine Workers Absorb PWA
1910
1908 Canadian Brotherhood of Railway Employees
1908 Canadian Federation of Labour
1907 Labour Federation of Chicoutimi
1905 Industrial Workers of the World (Wobblies) (U.S.) Canadian Sections Established
TLC Expels Knights and National Unions dual to AFL Affiliates
1902 National Trades and Labour Congress
1900 Quebec Shoemakers' Lockout
1886 American Federation of Labor - Canadian Locals Established
1886 Trades and Labour Congress of Canada
1881 Knights Establish Locals in Canada
1883 Canadian Labour (Union) Congress
1881 Federation of Organized Trades and Labour Unions of the United States and Canada
1880 Industrialization and Unionization Intensify
1873-78 Canadian Labour Union
1879 Provincial Workmen's Association of Nova Scotia
1872 Canadian Labour Protective and Mutual Improvement Association
1869 Knights of Labor (U.S.)
1860s-70s Local Trades Assemblies
1850s International Unions Enter Canada
1840s Industrialization Begins
1800s-50s Benevolent Societies and Local Craft Unions

PREPARED BY JOHN BULLEN FOR THE LABOUR COLLEGE OF CANADA AND THE CANADIAN LABOUR CONGRESS

Centennial

Employee and Retiree Picnic at Kingsmere

Canada Post Dedicates Stamp

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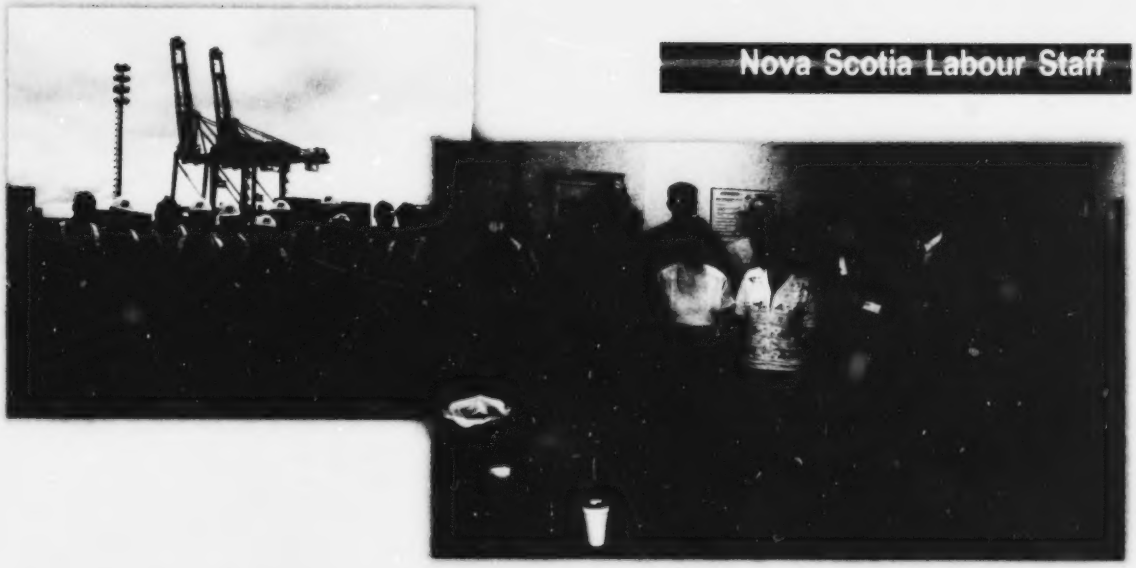
Canada Post Corporation

Events

Stakeholders and Partners, Port of Halifax Tour



Nova Scotia Labour Staff

Occupational Safety and Health Youth Conference

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Terrence R. Lanken

A PORTRAIT OF SUCCESS

J.P. Surette
Labour Communications
Human Resources Development Canada

"Stamp reproduced courtesy of Canada Post"

One of the highlights of the Labour Program's 100th anniversary was the unveiling of a commemorative stamp by Canada Post. Fittingly, this new Labour stamp was released to the public on September 1, 2000, just before Labour Day.

The stamp was designed by Paul Hodgson and illustrated by Sandra Dionisi of Toronto. It is a conceptual illustration, combining a contemporary feeling with the "poster style" of art popular during the early years of the 20th century. The illustration highlights the proud role played by both men and women in Canada's labour history and provides a snapshot of the diverse forms of labour that have contributed to the overall development of Canadian society. The vivid colours add to the stamp's modern feel and underscore the historical scope of the Labour Program's activities, from super ministry in the Second World War to integral part of today's information age.

The Department of Labour was established under the *Conciliation Act*, which received Royal Assent on July 18, 1900. The main objectives of the Department at that time were to help settle industrial disputes, to secure fair wages and proper working conditions on public work sites, and to create and produce the *Labour Gazette*, which provided information and statistics on labour issues in Canada.

Although not many people are aware of the historical ties between Canada Post and the Labour Program, the two organizations have joined forces before. From its inception in 1900 until 1909, the newly-formed Department of Labour was under the responsibility of the Postmaster General.

The Labour stamp is a national honour and reason to reflect. Throughout its distinguished history, the Labour Program has promoted safe workplaces and fostered constructive labour-management relations. The dedication of Labour Program employees, along with the support and cooperation of our clients and partners, have been the keys to our success.

The Labour Program has had a proud history and can look forward to a bright future.

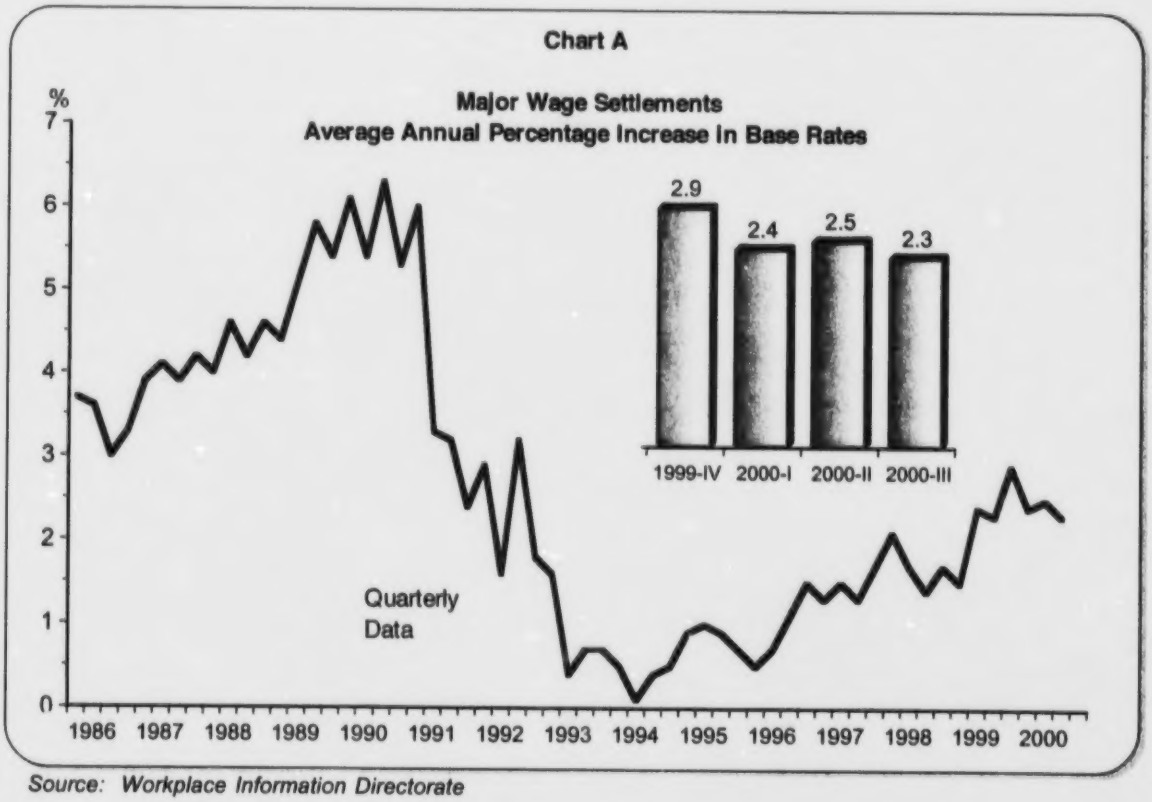
SECTION 1

MAJOR WAGE SETTLEMENTS* – THIRD QUARTER 2000

Summary

- Collective agreements reached during the third quarter of 2000 led to a 2.3 per cent average annual wage adjustment. The agreements reached in the second quarter had a 2.5 per cent annual adjustment; the overall average was 2.2 per cent for 1999
- The data for the third quarter is based on the analysis of 57 agreements covering 130,940 employees
- The majority of these agreements are in the public sector (37 agreements, 54.3 per cent of employees). The average adjustment in this sector is 2.7 per cent, compared to 1.9 per cent in the private sector
- The quarterly results were largely influenced by Ontario settlements, in the private as well as in the public sector
- Average adjustments have been the highest (3.0 per cent) in Alberta and in the federal sector, while the lowest rate was recorded for British Columbia (1.9 per cent)
- According to the breakdown by industry sector, the average adjustment is highest in the services sector (3.0 per cent) and lowest in the trade and finance sector (1.5 per cent)

Chart A



Source: Workplace Information Directorate

* Major settlements are those involving bargaining units of 500 or more employees. All wage rate adjustments over the term of these agreements, including those arising from cost-of-living clauses (COLA), are taken into account. The yield of such COLA clauses is estimated on an assumed 2.0 per cent annual increase in the Consumer Price Index.

Overview

Collective agreements reached during the third quarter of 2000 resulted in a 2.3 per cent average annual wage adjustment for the duration of the agreement. This rate is somewhat lower than that of 2.5 per cent in the second quarter, but somewhat higher than the 2.2 per cent recorded for 1999.

In the previous round of negotiations held by the same parties the resulting wage adjustments averaged 1.5 per cent, with contract duration averaging 36.9 months, in comparison to the 2.3 per cent increase in the current round of settlements, with contract duration averaging 42.2 months.

The data for the third quarter is based on the analysis of 57 agreements covering 130,940 employees. The quarterly average is generally around 111 agreements and 260,000 employees.

The majority of the agreements were in the public sector (37 agreements; 54.3 per cent of the employees). The average adjustment obtained in this sector is 2.7 per cent, compared to the 1.9 per cent average in the private sector. This is only the third time since 1994 that quarterly wage data is higher in the public sector than in the private sector. During the third quarter, the public sector results were upwardly influenced by the federal sector (3.4 per cent; 10,150 employees) and Ontario (3.2 per cent; 22,530 employees), while in the private sector, agreements reached in Ontario had a downward influence (1.4 per cent; 25,480 employees).

For both sectors combined, the highest average adjustments were found in Alberta at 3.0 per cent (6,950 employees) and in the federal sector, with a 3.0 per cent average adjustment as well (17,250 employees). The lowest rate was observed in British Columbia at 1.9 per cent, (36,260 employees). Since the beginning of 2000, Alberta has continued to record the highest quarterly data, with a cumulative average of 4.7 per cent and British Columbia has continued to report the lowest quarterly data, with a cumulative average of 1.5 per cent.

On an industry basis, the services sector had the highest average wage increase (3.0 per cent). This data was influenced in large part by the federal sector, where 8,000 Purolator Courier employees obtained 3.6 per cent and 2,800 United Parcel Service employees obtained 3.0 per cent. We should also note the 12 agreements ratified in the education sub-sector in Ontario and in Alberta which together, had an average of 3.1 per cent for 19,340 employees. The adjustment was lowest in the trade and finance sector (1.5 per cent), attributable in large part to the average

Table 1

Distribution of Agreements and Employees by Size of Wage Adjustments, Third Quarter 2000

	Agreements		Employees	
Adjustment Range	Number	Percentage	Number	Percentage
1.0% to 1.9%	7	12.3	34,510	26.4
2.0% to 2.9%	38	66.7	60,960	46.6
3.0% to 3.9%	7	12.3	27,300	20.8
4.0% to 4.9%	4	7.0	6,680	5.1
5.0% to 5.9%	1	1.8	1,490	1.1
ALL LEVELS	57	100.0	130,940	100.0

Note: Due to rounding, sums may not always equal totals.

Source: Workplace Information Directorate

annual adjustments of 1.3 per cent and 1.0 per cent granted to 15,000 Loblaws employees and 7,600 Zehrs Markets employees respectively, in Ontario.

Distribution by Size of Wage Adjustments

Over the last 20 years, 1981 registered the highest wage adjustment with a rate of 13.0 per cent, followed by a significant drop in 1983 with a rate of 4.8 per cent. The most recent peak was in 1990 with a rate of 5.6 per cent, followed by a continuous drop to 0.3 per cent in 1994. Since then, wage adjustments have seen a slight progression. Furthermore, while almost two thirds of the employees concerned underwent a salary freeze or cut in 1994, only 0.4 per cent of the employees covered by year 2000 agreements have seen their salaries frozen or reduced. There was no salary freeze or reduction during the third quarter.

During the third quarter, 46.6 per cent of employees obtained a wage adjustment between 2.0 per cent and 2.9 per cent. Since the beginning of the year, 76.3 per cent of employees concerned received an adjustment in this range. During the third quarter, 26.4 per cent of employees received an adjustment ranging from 1.0 per cent to 1.9 per cent, including the 15,000 Loblaws employees and the 7,600 Zehrs Markets employees in Ontario previously mentioned, and the 9,700 employees in British Columbia, specifically, the 5,300 Insurance Corporation of British Columbia office workers and the 4,400 British Columbia Ferry Corporation workers. Approximately 20.8 per cent of employees received average wage increases ranging from 3.0 to 3.9 per cent; barely 5.1 per cent of employees attained wage increases between 4.0 and 4.9 per cent. Finally, only one agreement covering 1,490 high-school teachers of the Waterloo region in Ontario, (representing 1.1 per cent of all the employees) received an increase of 5.0 per cent.

Public and Private Sectors

Of the 57 agreements ratified in the third quarter, 37, covering 71,070 employees, were in the **public sector**. The average wage increase in this sector was **2.7 per cent**. In comparison, 20 agreements covering 59,870 employees were ratified in the **private sector,** leading to an average wage increase of **1.9 per cent**.

The public sector results are attributable particularly to agreements reached in Ontario, in Alberta, and in the federal sector. In Ontario, 22,530 employees received 3.2 per cent increases in 11 agreements, including those 4,400 employees with the Liquor Control Board (3.0 per cent); 4,840 provincial police officers of the provincial police force (3.3 per cent); 4,960 Thames Valley elementary and high-school teachers (4.0 per cent; 2 agreements) and 1,490 Waterloo region high-school teachers (5.0 per cent). In Alberta, 4 agreements reached in the education sector, provided 6,950 employees, with a 3.0 per cent increase. In the federal sector, 10,150 employees received a 3.4 per cent average adjustment in 3 agreements. Furthermore, the lowest public sector average was in British Columbia where, 12,260 employees obtained increases of 1.6 per cent.

The average increase of 1.9 per cent in the private sector is in large part due to the 6 agreements reached in Ontario covering 25,480 employees (close to 43 per cent of all the employees of this sector) which has led to a very low average of 1.4 per cent. This result is attributable to the 6-year agreement covering 15,000 retail employees of Loblaws supermarkets (1.3 per cent) and to another 6-year agreement for 7,600 Zehrs Markets employees (1.0 per cent). Furthermore, this sector's largest increase (4.3 per cent annually for each of three years) was reported for 1,200 plant employees with Prévost Car in Quebec.

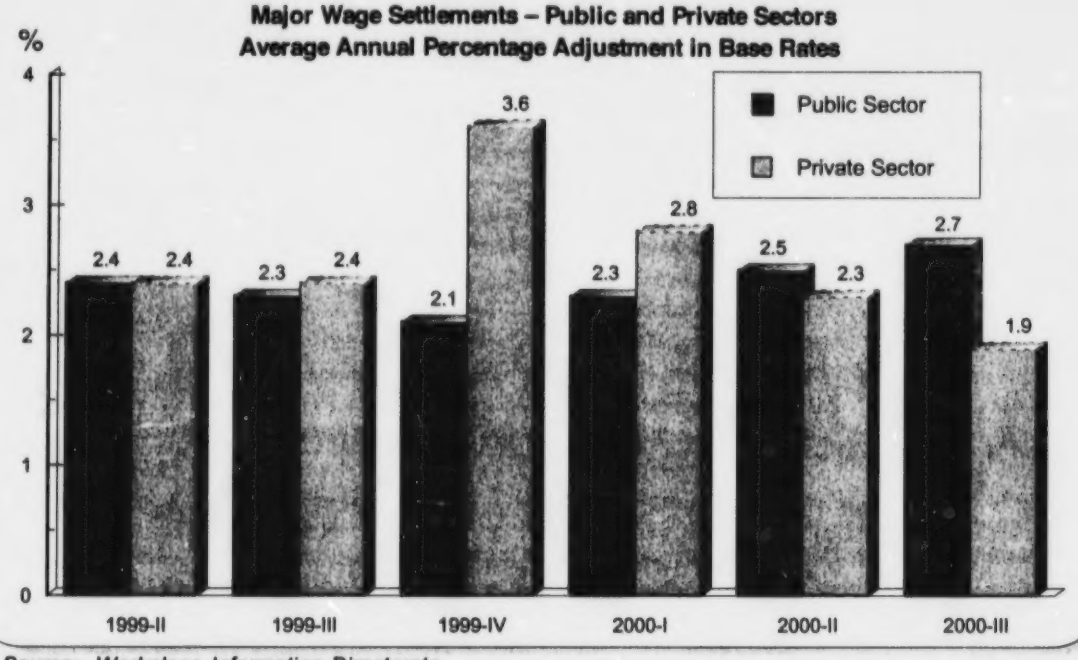
Wage Adjustments by Region/Jurisdiction

Data analysis shows that **Ontario** had the largest number of workers in major settlements in the third quarter. Within the framework of 17 agreements, 48,010 employees (37 per cent of all employees) obtained average annual adjustments of **2.2 per cent**.

The **federal jurisdiction** and **Alberta** at **3.0 per cent** recorded the highest increase, covering 17,250 and 6,950 workers respectively. **Quebec** followed with an average rate of **2.8 per cent**, stemming from six negotiated agreements covering 5,480 employees, followed by **New Brunswick**, with a rate of **2.6 per cent**, covering 500 workers within a single construction agreement. Next in **Manitoba**, 11 agreements provided 15,690 employees with wage increases of **2.4 per cent**

Chart B

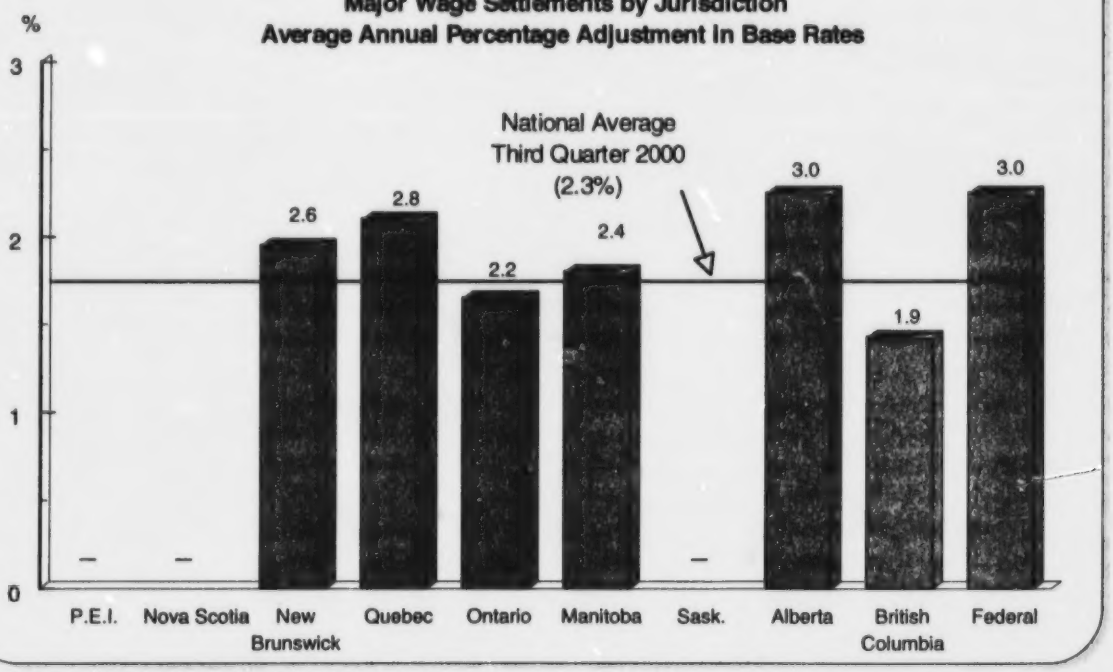
Major Wage Settlements – Public and Private Sectors
Average Annual Percentage Adjustment in Base Rates



Source: Workplace Information Directorate

Chart C

Major Wage Settlements by Jurisdiction
Average Annual Percentage Adjustment in Base Rates



Source: Workplace Information Directorate

and in **British Columbia,** 11 agreements provided 36,260 employees with wage increases of **1.9 per cent**.

Wage Adjustments by Industry

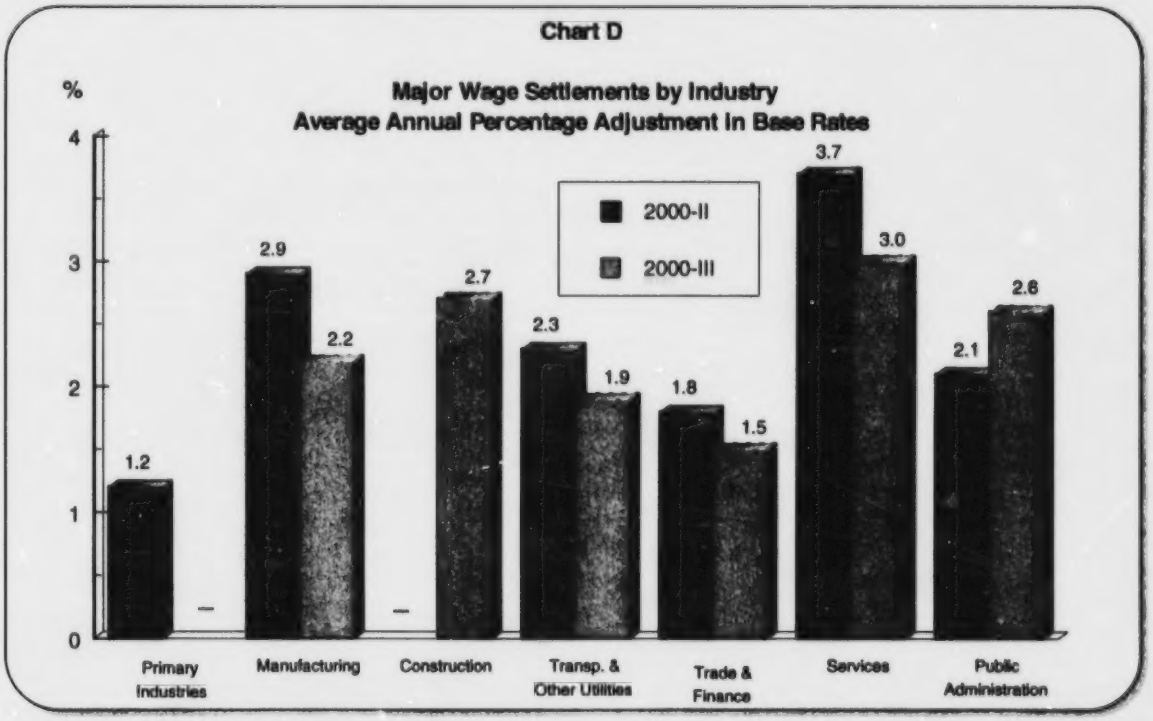
During the third quarter, the largest number of workers, (a little over 30 per cent), in major settlements were in the **services sector**. The average annual adjustment of **3.0 per cent** based on the analysis of 22 agreements is also the highest. Among these agreements, 12 apply to 19,340 workers in the education sector in Ontario and in Alberta, and they provide an annual adjustment of 3.1 per cent. The largest sectoral increase of the quarter went to 1,490 teachers with the Waterloo region school district in Ontario, who received 5.0 per cent in a 12-month agreement. Also in Ontario, 2 agreements with the Thames Valley school district provided a 4.0 per cent adjustment to 4,960 teachers in a 12-month agreement. Finally, 8,000 Purolator Courier employees, in effect the largest bargaining unit in the services sector, received an annual adjustment of 3.6 per cent in a 4-year agreement.

Only 2 agreements were reached in the **construction** sector during the third quarter providing 1,300 employees with wage gains of **2.7 per cent**. The Pipe Line Contractors' Association of Canada agreement provided 800 employees with a wage increase of 2.7 per cent.

In **public administration**, wage increases averaged **2.6 per cent**, the third highest rate of the quarter. In this sector, 15 agreements covering 23,360 employees were negotiated, including 7 with the Government of Manitoba representing 11,780 employees who received 2.3 per cent. There were 3 other agreements in Ontario: 2 agreements provided 1,800 municipal employees and police officers from the Peel regional municipality with wage increases of 2.9 per cent and one agreement provided 4,840 provincial police officers with wage gains of 3.3 per cent.

In the **manufacturing** sector, 8 agreements provided 23,700 employees with an average adjustment of **2.2 per cent**. Among these agreements, 4 agreements

Chart D



Source: Workplace Information Directorate

in the pulp and paper sub-sector in British Columbia, covering nearly 85 per cent (20,050) of all the workers in this sector, received a 2.0 per cent average increase. In Quebec, a 3-year agreement provided 1,200 Prévost Car plant employees, with an average annual increase of 4.3 per cent.

The wage adjustments in the **transportation, communications, and other public service** sectors were the second lowest of the quarter. In total, 10,200 employees, in 5 agreements, obtained a **1.9 per cent** increase. This rate was affected by the 1.2 per cent average adjustment granted to the 4,400 British Columbia Ferry Corporation employees in a 5-year agreement. Furthermore, 2,600 Canadian Airlines International flight attendants received on average 2.6 per cent in a 49-month agreement.

In the **trade and finance** sector, 32,820 employees received an average adjustment of **1.5 per cent** within the framework of 5 agreements. This rate is the lowest for all industry sectors combined. This low rate is due in large part to the 1.3 per cent and 1.0 per cent adjustments in two 6-year agreements with Loblaws and Zehrs Markets respectively, (comprising nearly 70 per cent of employees in this sector), and by the Insurance Corporation of BC settlement providing 5,300 employees with a 1.5 per cent wage increase.

MAJOR SETTLEMENTS REACHED IN THE THIRD QUARTER 2000

Industry and Employer	No. of Employees	Average Annual Adjustment	First Year Adjustment	Duration (months)	Expiry Date YY-MM-DD
Manufacturing (8 agreements)	**23,700**	**2.2**	**2.2**	**36.9**	
Aluminerie de Bécancour inc., plant and maintenance employees, Bécancour, Que.	790	2.9*	3.0	48	2004-06-30
Conifer (Council on Northern Interior Forest Employment Relations), mill employees, Northern Interior, B.C.	2,500	2.0	2.0	36	2003-06-30
Forest Industrial Relations Limited, mill employees, Coast, B.C.	12,000	2.0	2.0	36	2003-06-14
Interior Forest Labour Relations Association, mill employees, Southern Interior, B.C.	5,000	2.0	2.0	36	2003-06-30
Lake Erie Steel Co. Ltd. (Division of Stelco Inc.), production employees, Nanticoke, Ont.	980	2.5*	2.9	48	2004-07-31
MTD Products Limited, production employees, Kitchener, Ont.	680	2.9	3.4	36	2003-09-14
Prévost Car inc., plant and maintenance employees, Ste-Claire, Que.	1,200	4.3*	4.2	36	2003-06-30
Weldwood of Canada Limited, Cariboo Division, mill employees, Quesnel, B.C.	550	2.0	2.0	36	2003-06-30
Construction (2 agreements)	**1,300**	**2.7**	**1.9**	**40.6**	
Moncton-NorthEast Construction Association Inc., carpenters, Northumberland County, N.B.	500	2.6*	0.0	48	2003-06-30
Pipe Line Contractors' Association of Canada, plumbers and pipefitters, Canada-wide	800	2.7	3.1	36	2003-04-30
Transportation, Communication and Other Utilities (5 agreements)	**10,200**	**1.9**	**1.4**	**49.7**	
British Columbia Ferry Corporation, licensed personnel, Coast, B.C.	4,400	1.2*	0.0	60	2003-10-31
Canadian Airlines International Ltd., flight attendants, system-wide	2,600	2.6	3.0	49	2004-06-30
Manitoba Hydro, office and clerical employees, province-wide, Man.	800	2.4	2.7	36	2003-03-26
Union Gas Limited, service and maintenance employees, Southwestern, Ont.	700	2.4	2.0	36	2002-12-31
Vidéotron ltée, administrative services employees, Montréal, Que.	1,700	2.0	2.0	36	2001-12-31
Trade and Finance (5 agreements)	**32,820**	**1.5**	**1.7**	**61.1**	
Insurance Corporation of British Columbia, service and maintenance employees, province-wide, B.C.	5,300	1.5	0.0	48	2003-06-30
Liquor Control Board of Ontario, office and clerical employees, province-wide, Ont.	4,400	3.0	3.0	24	2002-03-31
Loblaws Supermarkets Limited, retail employees, province-wide, Ont.	15,000	1.3	2.6	72	2006-07-01
Zehrs Markets, Division of Zehrmart Limited, retail employees, province-wide, Ont.	7,600	1.0*	0.0	72	2006-07-01
Zellers Inc., warehouse employees, Toronto, Ont.	520	4.0	4.5	36	2003-05-31

* Agreement with cost-of-living allowances (COLA) calculated at a projected 2.0 per cent inflation rate.

Industry and Employer	No. of Employees	Average Annual Adjustment	First Year Adjustment	Duration (months)	Expiry Date YY-MM-DD
Community, Business and Personal Services (22 agreements)	**39,560**	**3.0**	**3.0**	**31.6**	
Board of Trustees Edmonton School District No. 7, custodial, Edmonton, Alta.	600	2.5	2.5	24	2002-08-31
Board of Trustees Edmonton School District No. 7, office and clerical employees, Edmonton, Alta.	1,200	2.5	2.5	24	2002-08-31
Board of Trustees of Edmonton School District No. 7, elementary and secondary teachers, Edmonton, Alta.	4,510	3.2	3.2	12	2001-08-31
Board of Trustees of the Edmonton Catholic Regional Division No 40, office and clerical employees, Edmonton, Alta.	640	2.6	3.5	16	2001-12-31
Cara Operations Ltd., hotel or restaurant employees, Vancouver International Airport, B.C.	800	2.6	6.1	52	2004-07-31
Comité patronal de négociation secteur santé et services sociaux, health service-non-professionals, province-wide, Que.	1,260	2.3	1.5	48	2002-06-30
Durham District School Board, elementary teachers, Whitby, Ont.	2,530	2.0	2.0	12	2001-08-31
Government of Manitoba, health and social care professionals, province-wide, Man.	910	2.3	2.3	36	2003-03-21
Greater Vancouver Hotel Employer's Association, service and maintenance employees, Vancouver, B.C.	2,200	2.4	2.0	40	2003-06-30
National Research Council of Canada, scientific and other professionals, Canada-wide	1,100	2.3	2.0	24	2002-07-19
Purolator Courier Limited, couriers, Canada-wide	8,000	3.6	3.8	48	2003-12-31
Regional Health Authorities of Manitoba, health and social care professionals, province-wide, Man.	600	2.4	3.0	48	2003-03-31
Regional Health Authorities of Manitoba, para-medical technical employees, province-wide, Man.	1,600	3.3	3.0	48	2003-03-31
Thames Valley District School Board, custodial, London, Ont.	750	1.5	1.5	24	2001-12-31
Thames Valley District School Board, elementary teachers, London, Ont.	3,200	4.0	4.0	12	2001-08-31
Thames Valley District School Board, secondary teachers, London, Ont.	1,760	4.0	4.0	12	2001-08-31
United Parcel Service Canada Ltd., truck drivers, Canada-wide	2,800	3.0*	2.7	53	2004-07-31
University of Québec at Montréal, professors, Montréal, Que.	900	2.2	1.5	48	2003-05-31
Waterloo Region District School Board, plant and maintenance employees, Kitchener, Ont.	510	1.6*	1.3	24	2001-08-31
Waterloo Region District School Board, secondary teachers, Kitchener, Ont.	1,490	5.0	5.0	12	2001-08-31
White Spot Limited, hotel or restaurant employees, Vancouver, B.C.	950	1.7	1.5	48	2004-01-15
York University, office and clerical employees, Toronto, Ont.	1,250	2.0	2.0	24	2002-07-31
Public Administration (15 agreements)	**23,360**	**2.6**	**2.7**	**35.5**	
City of Burnaby, inside employees, Burnaby, B.C.	1,410	2.3	2.0	36	2002-12-31
City of Québec, office and clerical employees, Québec, Que.	740	2.2	2.0	36	2002-12-31
City of Québec, outside employees, Québec, Que.	590	2.2	1.8	36	2002-12-31
Government of Canada, foreign service officers, Canada and abroad	1,050	2.3	2.0	24	2001-06-30
Government of Manitoba, administrative services employees, province-wide, Man.	1,320	2.3	2.3	36	2003-03-21

* Agreement with cost-of-living allowances (COLA) calculated at a projected 2.0 per cent inflation rate.

Industry and Employer	No. of Employees	Average Annual Adjustment	First Year Adjustment	Duration (months)	Expiry Date YY-MM-DD
Public Administration (continued)					
Government of Manitoba, correctional officers, province-wide, Man.	920	2.3	2.3	36	2003-03-21
Government of Manitoba, general tradesmen, province-wide, Man.	2,570	2.3	2.3	36	2003-03-21
Government of Manitoba, office and clerical employees, province-wide, Man.	2,890	2.3	2.3	36	2003-03-21
Government of Manitoba, scientific and other professionals, province-wide, Man.	1,120	2.3	2.3	36	2003-03-21
Government of Manitoba, scientific and other professionals, province-wide, Man.	1,370	2.3	2.3	36	2003-03-21
Government of Manitoba, social science employees, province-wide, Man.	1,590	2.3	2.3	36	2003-03-21
Government of Ontario, police officers, province-wide, Ont.	4,840	3.3	4.2	36	2002-12-31
Regional Municipality of Peel Police Services Board, inside employees, Brampton, Ont.	500	2.9	2.7	36	2002-12-31
Regional Municipality of Peel Police Services Board, police officers, Brampton, Ont.	1,300	2.9	2.7	36	2002-12-31
Vancouver Police Board, police officers, Vancouver, B.C.	1,150	3.0	3.0	36	2002-12-31
Agreements with COLA (8 agreements)	**18,780**	**1.8**	**1.0**	**59.9**	
Agreements without COLA (49 agreements)	**112,160**	**2.4**	**2.6**	**39.2**	
All agreements (57 agreements)	**130,940**	**2.3**	**2.4**	**42.2**	

Source: Workplace Information Directorate

The Collective Bargaining Bulletin, a monthly publication, contains a listing of formal and up-to-date summaries of the major settlements shown above.

Copies of these settlement summaries are available by calling the Workplace Information Directorate at 1-800-567-6866 or Client Services at (819) 997-3117 or E-mail: wid-imt@hrdc-drhc.gc.ca or Internet: http://labour.hrdc-drhc.gc.ca

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* Cost-of-Living Allowance (COLA) formulae are quantified using a combination of the latest relevant Consumer Price Index (CPI) data available and/or a projected CPI increase of 2.0 per cent. Consult the Technical Notes for information on the calculation of the yield from COLA increases, and definitions of the industry and sector divisions used in this publication.

Table A-1

Effective Wage Adjustment in Base Rates, Number of Agreements and Employees Covered, by Year and Quarter

	1997	1998	1999	1999	2000		
				4	1	2	3
All Industries							
Wage Adjustment (%)	1.5	1.7	2.2	2.9	2.4	2.5	2.3
Number of Agreements	379	401	375	67	151	82	57
Number of Employees (000's)	693.9	918.6	820.7	126.7	542.5	239.6	130.9
Private Sector							
Wage Adjustment (%)	1.8	1.8	2.6	3.6	2.8	2.3	1.9
Number of Agreements	158	180	156	31	28	26	20
Number of Employees (000's)	322.8	272.4	312.4	66.9	42.6	31.5	59.9
Public Sector							
Wage Adjustment (%)	1.1	1.6	1.9	2.1	2.3	2.5	2.7
Number of Agreements	221	221	219	36	123	56	37
Number of Employees (000's)	371.0	646.3	508.3	59.8	499.9	208.1	71.1
Federal Administration							
Wage Adjustment (%)	3.2	2.2	2.9	2.0	2.0	2.0	2.3
Number of Agreements	1	16	10	1	6	7	2
Number of Employees (000's)	8.7	124.2	53.2	9.0	19.9	119.5	2.2
Federal Crown Corporations							
Wage Adjustment (%)	1.4	2.2	2.2	-	2.2	3.3	-
Number of Agreements	8	7	6	-	2	1	-
Number of Employees (000's)	65.4	8.3	19.8	-	46.0	.6	-
Provincial Administration							
Wage Adjustment (%)	1.1	1.7	1.6	1.5	2.6	2.6	2.3
Number of Agreements	26	30	21	2	16	4	11
Number of Employees (000's)	45.1	112.2	73.9	2.8	68.4	4.1	30.7
Local Administration							
Wage Adjustment (%)	1.2	1.5	2.2	2.4	2.6	2.5	2.6
Number of Agreements	34	32	34	10	4	10	6
Number of Employees (000's)	43.8	48.3	44.2	15.9	12.6	30.8	5.7
Education, Health and Welfare							
Wage Adjustment (%)	1.0	1.4	1.8	2.2	2.2	3.7	3.0
Number of Agreements	148	134	136	19	92	32	16
Number of Employees (000's)	203.6	351.3	291.9	17.2	339.8	51.2	23.7
Public Utilities							
Wage Adjustment (%)	1.6	1.4	2.1	1.8	3.9	2.8	3.5
Number of Agreements	4	2	12	4	3	2	2
Number of Employees (000's)	4.4	2.1	25.3	14.9	13.2	1.9	8.8

Table A-2

Effective Wage Adjustment in Base Rates, by Effective Period, Third Quarter 2000

Sector/ Agreement Duration	Number of Agreements	Number of Employees	First 12 Months	Second 12 Months	Third 12 Months	Fourth 12 Months	Average Annual Adjustment	Average Agreement Duration
		(000's)	(%)	(%)	(%)	(%)	(%)	(Months)
All Industries								
17 Months or Less	6	14.1	3.5	-	-	-	3.4	12.2
18-29 Months	8	10.9	2.4	2.5	-	-	2.5	24.0
30-41 Months	27	51.9	2.5	2.3	2.4	-	2.4	36.2
42 Months or More	16	54.1	2.0	2.5	1.5	2.5	1.9	59.4
All Agreements	57	130.9	2.4	2.4	1.9	2.5	2.3	42.2
Private Sector								
17 Months or Less	-	-	-	-	-	-	-	-
18-29 Months	-	-	-	-	-	-	-	-
30-41 Months	11	27.9	2.2	2.2	2.3	-	2.2	36.3
42 Months or More	9	32.0	2.1	2.5	0.7	2.3	1.6	65.6
All Agreements	20	59.9	2.1	2.4	1.5	2.3	1.9	52.0
Public Sector								
17 Months or Less	6	14.1	3.5	-	-	-	3.4	12.2
18-29 Months	8	10.9	2.4	2.5	-	-	2.5	24.0
30-41 Months	16	24.0	2.7	2.5	2.6	-	2.6	36.0
42 Months or More	7	22.1	1.8	2.4	2.6	2.8	2.4	50.4
All Agreements	37	71.1	2.5	2.4	2.6	2.8	2.7	33.9
Federal Administration								
17 Months or Less	-	-	-	-	-	-	-	-
18-29 Months	2	2.2	2.0	2.5	-	-	2.3	24.0
30-41 Months	-	-	-	-	-	-	-	-
42 Months or More	-	-	-	-	-	-	-	-
All Agreements	2	2.2	2.0	2.5	-	-	2.3	24.0
Federal Crown Corporations								
17 Months or Less	-	-	-	-	-	-	-	-
18-29 Months	-	-	-	-	-	-	-	-
30-41 Months	-	-	-	-	-	-	-	-
42 Months or More	-	-	-	-	-	-	-	-
All Agreements	-	-	-	-	-	-	-	-
Provincial Administration								
17 Months or Less	-	-	-	-	-	-	-	-
18-29 Months	1	4.4	3.0	3.0	-	-	3.0	24.0
30-41 Months	8	16.6	2.9	2.4	2.5	-	2.6	36.0
42 Months or More	2	9.7	0.0	1.1	2.0	2.0	1.4	53.4
All Agreements	11	30.7	2.0	2.1	2.3	2.0	2.3	39.8
Local Administration								
17 Months or Less	-	-	-	-	-	-	-	-
18-29 Months	-	-	-	-	-	-	-	-
30-41 Months	6	5.7	2.4	2.5	2.9	-	2.6	36.0
42 Months or More	-	-	-	-	-	-	-	-
All Agreements	6	5.7	2.4	2.5	2.9	-	2.6	36.0
Education, Health and Welfare								
17 Months or Less	6	14.1	3.5	-	-	-	3.4	12.2
18-29 Months	5	4.3	2.0	2.1	-	-	2.1	24.0
30-41 Months	1	0.9	2.3	2.3	2.3	-	2.3	36.0
42 Months or More	4	4.4	2.3	3.0	2.2	3.1	2.6	48.0
All Agreements	16	23.7	2.9	2.5	2.3	3.1	3.0	21.8
Public Utilities								
17 Months or Less	-	-	-	-	-	-	-	-
18-29 Months	-	-	-	-	-	-	-	-
30-41 Months	1	0.8	2.7	2.3	2.3	-	2.4	36.0
42 Months or More	1	8.0	3.8	3.6	3.5	3.7	3.6	48.0
All Agreements	2	8.8	3.7	3.5	3.4	3.7	3.5	46.9

Table B-1

Effective Wage Adjustment in Base Rates, by Major Industry Division, with and without COLA, by Year and Quarter

	1997	1998	1999	1999	2000		
				4	1	2	3
	(%)	(%)	(%)	(%)	(%)	(%)	(%)
All Industries							
Agreements without COLA	1.4	1.6	2.0	2.2	2.4	2.5	2.4
Agreements with COLA	1.8	2.6	3.3	4.2	2.2	2.4	1.8
All Agreements	1.5	1.7	2.2	2.9	2.4	2.5	2.3
Primary Industry							
Agreements without COLA	1.9	1.1	1.8	-	-	-	-
Agreements with COLA	1.9	-	2.4	2.3	-	1.2	-
All Agreements	1.9	1.1	2.1	2.3	-	1.2	-
Manufacturing							
Agreements without COLA	2.1	0.9	1.8	2.3	2.6	2.5	2.0
Agreements with COLA	2.7	2.9	4.0	4.5	2.3	3.1	3.3
All Agreements	2.3	1.4	3.3	4.3	2.5	2.9	2.2
Construction							
Agreements without COLA	1.6	2.4	2.0	-	3.9	-	2.7
Agreements with COLA	-	2.8	-	-	-	-	2.6
All Agreements	1.6	2.4	2.0	-	3.9	-	2.7
Transportation, Communication and Other Utilities							
Agreements without COLA	1.8	1.9	2.5	2.1	3.2	2.4	2.4
Agreements with COLA	1.5	1.9	2.2	2.3	2.2	1.6	1.2
All Agreements	1.6	1.9	2.4	2.2	2.6	2.3	1.9
Trade; Finance, Insurance and Real Estate							
Agreements without COLA	1.7	1.5	1.8	2.2	2.0	1.6	1.7
Agreements with COLA	1.6	2.6	0.6	-	-	2.7	1.0
All Agreements	1.7	1.6	1.5	2.2	2.0	1.8	1.5
Community, Business and Personal Services							
Agreements without COLA	1.0	1.4	1.8	2.3	2.2	3.7	3.1
Agreements with COLA	1.5	0.9	-	-	-	-	2.8
All Agreements	1.0	1.4	1.8	2.3	2.2	3.7	3.0
Public Administration							
Agreements without COLA	1.3	1.8	2.2	2.2	2.5	2.1	2.6
Agreements with COLA	-	-	2.3	-	-	2.1	-
All Agreements	1.3	1.8	2.2	2.2	2.5	2.1	2.6

Table B-2

Number of Agreements and Employees Covered, by Major Industry Division, with and without COLA, by Year and Quarter

	1997		1998		1999	
	Number of Agreements	Number of Employees	Number of Agreements	Number of Employees	Number of Agreements	Number of Employees
		(000's)		(000's)		(000's)
All Industries						
Agreements without COLA	342	581.2	364	885.0	330	714.6
Agreements with COLA	37	112.6	37	33.6	45	106.1
All Agreements	379	693.9	401	918.6	375	820.7
Primary Industry						
Agreements without COLA	3	2.3	2	1.8	4	2.9
Agreements with COLA	5	8.3	-	-	4	3.8
All Agreements	8	10.6	2	1.8	8	6.7
Manufacturing						
Agreements without COLA	42	50.2	47	60.7	45	33.1
Agreements with COLA	21	22.7	26	24.4	29	70.8
All Agreements	63	73.0	73	85.1	74	103.9
Construction						
Agreements without COLA	32	104.8	45	93.8	21	97.8
Agreements with COLA	-	-	3	2.2	-	-
All Agreements	32	104.8	48	96.0	21	97.8
Transportation, Communication and Other Utilities						
Agreements without COLA	27	67.6	40	79.9	45	110.6
Agreements with COLA	5	59.5	3	4.0	10	25.6
All Agreements	32	127.1	43	83.9	55	136.2
Trade; Finance, Insurance and Real Estate						
Agreements without COLA	29	56.7	17	25.5	12	13.2
Agreements with COLA	4	18.7	2	1.3	1	5.2
All Agreements	33	75.4	19	26.8	13	18.4
Community, Business and Personal Services						
Agreements without COLA	162	226.8	151	375.6	156	313.2
Agreements with COLA	2	3.4	3	1.7	-	-
All Agreements	164	230.2	154	377.2	156	313.2
Public Administration						
Agreements without COLA	47	72.9	62	247.8	47	143.8
Agreements with COLA	-	-	-	-	1	0.7
All Agreements	47	72.9	62	247.8	48	144.4

Table B-2 (continued)

Number of Agreements and Employees Covered, by Major Industry Division, with and without COLA, by Year and Quarter

	1999		2000					
	4		1		2		3	
	Number of Agreements	Number of Employees	Number of Agreements	Number of Employees	Number of Agreements	Number of Employees	Number of Agreements	Number of Employees
		(000's)		(000's)		(000's)		(000's)
All Industries								
Agreements without COLA	52	83.0	144	488.7	70	218.9	49	112.2
Agreements with COLA	15	43.6	7	53.9	12	20.7	8	18.8
All Agreements	67	126.7	151	542.5	82	239.6	57	130.9
Primary Industry								
Agreements without COLA	-	-	-	-	-	-	-	-
Agreements with COLA	1	1.1	-	-	2	4.2	-	-
All Agreements	1	1.1	-	-	2	4.2	-	-
Manufacturing								
Agreements without COLA	5	3.1	11	10.9	10	6.8	5	20.7
Agreements with COLA	12	37.4	6	8.9	7	9.3	3	3.0
All Agreements	17	40.6	17	19.7	17	16.1	8	23.7
Construction								
Agreements without COLA	-	-	5	7.3	-	-	1	0.8
Agreements with COLA	-	-	-	-	-	-	1	0.5
All Agreements	-	-	5	7.3	-	-	2	1.3
Transportation, Communication and Other Utilities								
Agreements without COLA	13	33.5	11	32.3	5	8.5	4	5.8
Agreements with COLA	2	5.2	1	45.0	1	0.9	1	4.4
All Agreements	15	38.7	12	77.3	6	9.4	5	10.2
Trade; Finance, Insurance and Real Estate								
Agreements without COLA	3	3.8	2	9.2	3	4.7	4	25.2
Agreements with COLA	-	-	-	-	1	1.1	1	7.6
All Agreements	3	3.8	2	9.2	4	5.8	5	32.8
Community, Business and Personal Services								
Agreements without COLA	21	18.7	94	341.9	35	53.4	20	36.3
Agreements with COLA	-	-	-	-	-	-	2	3.3
All Agreements	21	18.7	94	341.9	35	53.4	22	39.6
Public Administration								
Agreements without COLA	10	23.9	21	87.2	17	145.5	15	23.4
Agreements with COLA	-	-	-	-	1	5.3	-	-
All Agreements	10	23.9	21	87.2	18	150.7	15	23.4

Table B-3

Effective Wage Adjustment in Base Rates, by Major Industry Division, by Duration of Agreement, with and without COLA, Third Quarter 2000

	17 Months or Less			18-29 Months		
	Number of Agreements	Number of Employees	Average Annual Adjustment	Number of Agreements	Number of Employees	Average Annual Adjustment
		(000's)	(%)		(000's)	(%)
All Industries						
Agreements without COLA	6	14.1	3.4	7	10.4	2.5
Agreements with COLA	-	-	-	1	0.5	1.6
All Agreements	6	14.1	3.4	8	10.9	2.5
Primary Industry						
Agreements without COLA	-	-	-	-	-	-
Agreements with COLA	-	-	-	-	-	-
All Agreements	-	-	-	-	-	-
Manufacturing						
Agreements without COLA	-	-	-	-	-	-
Agreements with COLA	-	-	-	-	-	-
All Agreements	-	-	-	-	-	-
Construction						
Agreements without COLA	-	-	-	-	-	-
Agreements with COLA	-	-	-	-	-	-
All Agreements	-	-	-	-	-	-
Transportation, Communication and Other Utilities						
Agreements without COLA	-	-	-	-	-	-
Agreements with COLA	-	-	-	-	-	-
All Agreements	-	-	-	-	-	-
Trade; Finance, Insurance and Real Estate						
Agreements without COLA	-	-	-	1	4.4	3.0
Agreements with COLA	-	-	-	-	-	-
All Agreements	-	-	-	1	4.4	3.0
Community, Business and Personal Services						
Agreements without COLA	6	14.1	3.4	5	4.9	2.2
Agreements with COLA	-	-	-	1	0.5	1.6
All Agreements	6	14.1	3.4	6	5.4	2.1
Public Administration						
Agreements without COLA	-	-	-	1	1.1	2.3
Agreements with COLA	-	-	-	-	-	-
All Agreements	-	-	-	1	1.1	2.3

Table B-3 (continued)

Effective Wage Adjustment in Base Rates, by Major Industry Division, by Duration of Agreement, with and without COLA, Third Quarter 2000

	30-41 Months			42 Months or More		
	Number of Agreements	Number of Employees (000's)	Average Annual Adjustment (%)	Number of Agreements	Number of Employees (000's)	Average Annual Adjustment (%)
All Industries						
Agreements without COLA	26	50.7	2.3	10	37.0	2.1
Agreements with COLA	1	1.2	4.3	6	17.1	1.6
All Agreements	27	51.9	2.4	16	54.1	1.9
Primary Industry						
Agreements without COLA	-	-	-	-	-	-
Agreements with COLA	-	-	-	-	-	-
All Agreements	-	-	-	-	-	-
Manufacturing						
Agreements without COLA	5	20.7	2.0	-	-	-
Agreements with COLA	1	1.2	4.3	2	1.8	2.6
All Agreements	6	21.9	2.2	2	1.8	2.6
Construction						
Agreements without COLA	1	0.8	2.7	-	-	-
Agreements with COLA	-	-	-	1	0.5	2.6
All Agreements	1	0.8	2.7	1	0.5	2.6
Transportation, Communication and Other Utilities						
Agreements without COLA	3	3.2	2.2	1	2.6	2.6
Agreements with COLA	-	-	-	1	4.4	1.2
All Agreements	3	3.2	2.2	2	7.0	1.7
Trade; Finance, Insurance and Real Estate						
Agreements without COLA	1	0.5	4.0	2	20.3	1.3
Agreements with COLA	-	-	-	1	7.6	1.0
All Agreements	1	0.5	4.0	3	27.9	1.2
Community, Business and Personal Services						
Agreements without COLA	2	3.1	2.4	7	14.1	3.1
Agreements with COLA	-	-	-	1	2.8	3.0
All Agreements	2	3.1	2.4	8	16.9	3.1
Public Administration						
Agreements without COLA	14	22.3	2.6	-	-	-
Agreements with COLA	-	-	-	-	-	-
All Agreements	14	22.3	2.6	-	-	-

Table B-4

Effective Wage Adjustment in Base Rates, by Major Industry Division, with and without COLA, Third Quarter 2000

	Number of Agreements	Number of Employees	Average Annual Adjustment	First 12 Months	Average Agreement Duration
		(000's)	(%)	(%)	(Months)
All Industries					
Agreements without COLA	49	112.2	2.4	2.6	39.2
Agreements with COLA	8	18.8	1.8	1.0	59.9
All Agreements	57	130.9	2.3	2.4	42.2
Primary Industry					
Agreements without COLA	-	-	-	-	-
Agreements with COLA	-	-	-	-	-
All Agreements	-	-	-	-	-
Manufacturing					
Agreements without COLA	5	20.7	2.0	2.1	36.0
Agreements with COLA	3	3.0	3.3	3.5	43.2
All Agreements	8	23.7	2.2	2.2	36.9
Construction					
Agreements without COLA	1	0.8	2.7	3.1	36.0
Agreements with COLA	1	0.5	2.6	0.0	48.0
All Agreements	2	1.3	2.7	1.9	40.6
Transportation, Communication and Other Utilities					
Agreements without COLA	4	5.8	2.4	2.5	41.8
Agreements with COLA	1	4.4	1.2	0.0	60.0
All Agreements	5	10.2	1.9	1.4	49.7
Trade; Finance, Insurance and Real Estate					
Agreements without COLA	4	25.2	1.7	2.2	57.8
Agreements with COLA	1	7.6	1.0	0.0	72.0
All Agreements	5	32.8	1.5	1.7	61.1
Community, Business and Personal Services					
Agreements without COLA	20	36.3	3.1	3.1	30.1
Agreements with COLA	2	3.3	2.8	2.4	48.5
All Agreements	22	39.6	3.0	3.0	31.6
Public Administration					
Agreements without COLA	15	23.4	2.6	2.7	35.5
Agreements with COLA	-	-	-	-	-
All Agreements	15	23.4	2.6	2.7	35.5

Table C-1

Effective Wage Adjustment in Base Rates, by Region/Jurisdiction, by Year and Quarter

	1997	1998	1999	1999	2000		
				4	1	2	3
	(%)	(%)	(%)	(%)	(%)	(%)	(%)
All Sectors							
CANADA	1.5	1.7	2.2	2.9	2.4	2.5	2.3
Atlantic	1.1	2.1	2.0	2.6	2.1	2.5	2.6
Newfoundland	1.7	1.3	1.6	-	2.4	2.3	-
Prince Edward Island	-	2.1	2.7	3.0	-	2.4	-
Nova Scotia	2.0	2.9	2.1	1.8	2.2	-	-
New Brunswick	0.7	1.5	2.4	-	1.5	2.5	2.6
Quebec	1.3	1.0	1.6	2.1	2.3	2.7	2.8
Ontario	1.1	1.6	2.1	3.6	2.5	2.3	2.2
Prairies	2.0	2.4	3.0	2.7	3.6	5.1	2.6
Manitoba	1.1	1.4	2.5	2.3	2.5	2.2	2.4
Saskatchewan	0.9	1.8	2.1	1.8	2.0	-	-
Alberta	2.4	3.0	4.0	3.0	3.8	5.9	3.0
British Columbia	1.3	0.8	0.8	0.8	0.6	0.7	1.9
Multiprovince	2.8	1.5	2.2	-	2.6	1.8	2.7
Federal	1.8	2.1	2.8	2.3	2.2	2.0	3.0
Public Sector							
CANADA	1.1	1.6	1.9	2.1	2.3	2.5	2.7
Atlantic	1.0	2.1	1.8	3.0	2.2	2.7	-
Newfoundland	2.1	1.3	1.3	-	-	2.3	-
Prince Edward Island	-	2.1	2.9	3.0	-	2.4	-
Nova Scotia	1.8	3.0	2.3	-	2.2	-	-
New Brunswick	0.8	1.5	3.1	-	1.5	3.0	-
Quebec	1.3	1.2	1.7	1.8	2.3	2.3	2.2
Ontario	0.6	1.3	1.5	2.3	2.5	2.2	3.2
Prairies	1.7	2.2	2.9	2.7	3.6	5.1	2.6
Manitoba	1.0	1.2	2.5	2.0	2.0	2.2	2.4
Saskatchewan	0.9	1.8	2.3	1.8	2.0	-	-
Alberta	2.2	2.6	3.7	3.1	3.8	5.9	3.0
British Columbia	0.6	0.7	0.6	0.8	0.6	0.7	1.6
Multiprovince	0.5	1.0	1.9	-	2.6	-	-
Federal	1.6	2.2	2.7	2.0	2.1	2.1	3.4
Private Sector							
CANADA	1.8	1.8	2.6	3.6	2.8	2.3	1.9
Atlantic	1.2	1.7	2.2	1.8	2.0	1.7	2.6
Newfoundland	1.7	1.9	2.3	-	2.4	-	-
Prince Edward Island	-	-	2.3	-	-	-	-
Nova Scotia	2.1	1.8	1.9	1.8	1.7	-	-
New Brunswick	0.4	1.6	2.3	-	1.5	1.7	2.6
Quebec	1.3	1.0	1.6	3.8	3.0	3.3	3.7
Ontario	1.9	2.0	3.3	4.4	2.7	2.4	1.4
Prairies	2.5	3.2	3.8	2.5	3.8	-	-
Manitoba	1.9	1.6	2.8	2.4	3.0	-	-
Saskatchewan	1.2	1.1	0.8	-	-	-	-
Alberta	2.6	4.5	5.1	2.6	4.8	-	-
British Columbia	1.6	1.5	1.3	-	-	-	2.0
Multiprovince	3.0	1.7	2.8	-	-	1.8	2.7
Federal	2.0	1.7	2.8	2.4	4.4	1.6	2.6

Table C-2

Number of Agreements and Employees Covered, by Region/Jurisdiction, by Year and Quarter

	1997		1998		1999	
	Number of Agreements	Number of Employees (000's)	Number of Agreements	Number of Employees (000's)	Number of Agreements	Number of Employees (000's)
All Sectors						
CANADA	379	693.9	401	918.6	375	820.7
Atlantic	18	20.9	42	93.4	22	20.0
Newfoundland	5	6.1	7	25.4	8	9.7
Prince Edward Island	-	-	3	3.9	3	2.2
Nova Scotia	2	1.8	18	39.0	6	3.9
New Brunswick	11	13.0	14	25.0	5	4.3
Quebec	39	92.4	53	82.2	39	113.7
Ontario	175	238.6	141	268.1	172	314.6
Prairies	80	146.0	83	134.0	70	146.0
Manitoba	21	27.9	20	22.3	18	38.7
Saskatchewan	7	16.9	12	32.3	15	45.0
Alberta	52	101.1	51	79.4	37	62.4
British Columbia	34	69.3	35	151.8	25	71.9
Multiprovince	8	8.3	3	9.3	5	6.8
Federal	25	118.4	44	179.8	42	147.7
Public Sector						
CANADA	221	371.0	221	646.3	219	508.3
Atlantic	8	10.9	29	81.6	10	10.7
Newfoundland	2	1.2	6	22.9	4	6.6
Prince Edward Island	-	-	3	3.9	2	1.5
Nova Scotia	1	0.6	11	33.6	3	2.1
New Brunswick	5	9.0	9	21.1	1	0.6
Quebec	16	19.8	14	23.6	12	25.8
Ontario	113	139.0	78	167.9	114	211.0
Prairies	55	100.6	62	106.5	50	124.0
Manitoba	18	24.0	11	11.7	13	34.2
Saskatchewan	4	14.5	10	30.5	11	40.6
Alberta	33	62.1	41	64.3	26	49.2
British Columbia	18	25.4	15	133.7	13	57.6
Multiprovince	1	0.6	1	2.3	2	4.6
Federal	10	74.8	22	130.7	18	74.7
Private Sector						
CANADA	158	322.8	180	272.4	156	312.4
Atlantic	10	10.1	13	11.8	12	9.3
Newfoundland	3	4.9	1	2.5	4	3.1
Prince Edward Island	-	-	-	-	1	0.7
Nova Scotia	1	1.2	7	5.4	3	1.8
New Brunswick	6	4.0	5	3.9	4	3.7
Quebec	23	72.7	39	58.6	27	87.9
Ontario	62	99.5	63	100.2	58	103.6
Prairies	25	45.4	21	27.5	20	22.1
Manitoba	3	4.0	9	10.5	5	4.6
Saskatchewan	3	2.4	2	1.8	4	4.4
Alberta	19	39.0	10	15.1	11	13.1
British Columbia	16	43.9	20	18.2	12	14.3
Multiprovince	7	7.7	2	7.0	3	2.2
Federal	15	43.6	22	49.1	24	73.0

Table C-2 (continued)

Number of Agreements and Employees Covered, by Region/Jurisdiction, by Year and Quarter

	1999		2000					
	4		1		2		3	
	Number of Agreements	Number of Employees (000's)	Number of Agreements	Number of Employees (000's)	Number of Agreements	Number of Employees (000's)	Number of Agreements	Number of Employees (000's)
All Sectors								
CANADA	67	126.7	151	542.5	82	239.6	57	130.9
Atlantic	2	1.4	9	17.1	4	3.3	1	0.5
Newfoundland	-	-	1	3.0	1	0.5	-	-
Prince Edward Island	1	0.9	-	-	1	0.6	-	-
Nova Scotia	1	0.5	4	11.7	-	-	-	-
New Brunswick	-	-	4	2.4	2	2.2	1	0.5
Quebec	8	20.6	66	306.2	12	16.4	6	5.5
Ontario	32	59.4	40	114.6	36	55.1	17	48.0
Prairies	13	11.8	17	24.7	13	31.5	15	22.6
Manitoba	3	2.2	3	2.6	2	6.3	11	15.7
Saskatchewan	1	2.0	1	0.6	-	-	-	-
Alberta	9	7.6	13	21.5	11	25.2	4	7.0
British Columbia	2	2.2	8	10.2	4	5.2	11	36.3
Multiprovince	-	-	2	3.0	1	0.8	1	0.8
Federal	10	31.3	9	66.7	12	127.3	6	17.3
Public Sector								
CANADA	36	59.8	123	499.9	56	208.1	37	71.1
Atlantic	1	0.9	3	11.2	3	2.5	-	-
Newfoundland	-	-	-	-	1	0.5	-	-
Prince Edward Island	1	0.9	-	-	1	0.6	-	-
Nova Scotia	-	-	2	10.6	-	-	-	-
New Brunswick	-	-	1	0.6	1	1.4	-	-
Quebec	5	17.1	61	297.7	6	10.3	4	3.5
Ontario	18	21.7	26	89.3	22	38.5	11	22.5
Prairies	9	8.9	15	22.6	13	31.5	15	22.6
Manitoba	1	0.7	2	1.5	2	6.3	11	15.7
Saskatchewan	1	2.0	1	0.6	-	-	-	-
Alberta	7	6.2	12	20.5	11	25.2	4	7.0
British Columbia	2	2.2	8	10.2	4	5.2	4	12.3
Multiprovince	-	-	2	3.0	-	-	-	-
Federal	1	9.0	8	65.9	8	120.1	3	10.2
Private Sector								
CANADA	31	66.9	28	42.6	26	31.5	20	59.9
Atlantic	1	0.5	6	5.8	1	0.8	1	0.5
Newfoundland	-	-	1	3.0	-	-	-	-
Prince Edward Island	-	-	-	-	-	-	-	-
Nova Scotia	1	0.5	2	1.1	-	-	-	-
New Brunswick	-	-	3	1.7	1	0.8	1	0.5
Quebec	3	3.4	5	8.5	6	6.1	2	2.0
Ontario	14	37.7	14	25.3	14	16.7	6	25.5
Prairies	4	3.0	2	2.1	-	-	-	-
Manitoba	2	1.6	1	1.1	-	-	-	-
Saskatchewan	-	-	-	-	-	-	-	-
Alberta	2	1.4	1	1.0	-	-	-	-
British Columbia	-	-	-	-	-	-	7	24.0
Multiprovince	-	-	-	-	1	0.8	1	0.8
Federal	9	22.4	1	0.8	4	7.2	3	7.1

Table D

Major Wage Settlements, by Public and Private Sectors, by Year and Quarter

	Public Sector				Private Sector				All Sectors			
	Agmts.	Dur. (Months)	Empls. (000's)	Avg. Adj. (%)	Agmts.	Dur. (Months)	Empls. (000's)	Avg. Adj. (%)	Agmts.	Dur. (Months)	Empls. (000's)	Avg. Adj. (%)
Year												
1980	325	26.0	919.4	10.9	233	27.5	298.8	11.7	558	26.3	1,218.2	11.1
1981	290	18.9	577.6	13.1	210	27.3	323.4	12.6	500	21.9	901.0	13.0
1982	319	14.6	865.1	10.4	189	25.2	282.2	9.5	508	17.2	1,147.3	10.2
1983	458	19.6	1,241.6	4.6	200	25.0	302.8	5.5	658	20.6	1,544.3	4.8
1984	277	17.0	637.4	3.9	282	26.1	518.8	3.2	559	21.1	1,156.2	3.6
1985	316	21.7	566.8	3.8	200	30.1	271.8	3.3	516	24.5	838.6	3.7
1986	322	25.4	711.2	3.6	231	26.0	410.2	3.0	553	25.6	1,121.5	3.4
1987	270	29.4	824.3	4.1	208	31.4	287.0	3.8	478	29.9	1,111.3	4.0
1988	301	24.0	698.6	4.0	241	27.2	484.1	5.0	542	25.3	1,182.7	4.4
1989	295	30.0	737.6	5.2	158	28.5	264.2	5.2	453	29.6	1,001.8	5.2
1990	283	27.4	677.8	5.6	224	29.7	468.5	5.7	507	28.4	1,146.4	5.6
1991	365	16.0	1,121.7	3.4	182	29.2	224.0	4.4	547	18.2	1,345.6	3.6
1992	302	21.7	977.3	2.0	194	32.2	329.5	2.5	496	24.3	1,306.8	2.1
1993	347	23.4	1,012.0	0.6	171	25.2	400.5	0.8	518	23.9	1,412.5	0.7
1994	299	26.5	719.8	0.0	135	34.5	222.8	1.2	434	28.4	942.6	0.3
1995	216	31.5	630.9	0.6	186	35.8	277.9	1.4	402	32.8	908.8	0.9
1996	213	31.6	565.9	0.5	165	34.8	244.5	1.8	378	32.6	810.5	0.9
1997	221	30.2	371.0	1.1	158	38.1	322.8	1.8	379	33.9	693.9	1.5
1998	221	31.1	646.3	1.6	180	34.3	272.4	1.8	401	32.0	918.6	1.7
1999	219	35.1	508.3	1.9	156	38.5	312.4	2.6	375	36.4	820.7	2.2
2000*	216	34.4	779.1	2.4	74	43.3	133.9	2.3	290	35.7	913.0	2.4
* Year to Date												
Quarter												
1997 I	53	29.7	89.1	1.0	30	35.8	40.4	2.2	83	31.6	129.5	1.3
II	72	26.1	98.8	0.8	60	34.5	147.2	1.9	132	31.1	246.1	1.5
III	34	31.0	44.6	0.8	38	38.7	88.8	1.6	72	36.1	133.3	1.3
IV	62	33.1	138.6	1.7	30	50.6	46.4	1.8	92	37.5	185.0	1.7
1998 I	45	36.4	97.0	2.1	23	33.6	38.3	2.3	68	35.6	135.3	2.1
II	56	32.0	157.5	1.7	71	27.9	111.3	1.6	127	30.3	268.7	1.7
III	52	33.2	186.5	1.2	53	40.9	85.1	1.7	105	35.6	271.6	1.4
IV	68	25.9	205.3	1.7	33	38.9	37.7	2.0	101	27.9	243.0	1.7
1999 I	78	32.5	192.2	1.3	30	38.3	55.5	2.2	108	33.8	247.7	1.5
II	71	37.5	205.4	2.4	54	41.0	63.5	2.4	125	38.3	268.9	2.4
III	34	37.1	51.0	2.3	41	37.5	126.5	2.4	75	37.4	177.5	2.3
IV	36	33.3	59.8	2.1	31	38.4	66.9	3.6	67	36.0	126.7	2.9
2000 I	123	39.9	499.9	2.3	28	33.0	42.6	2.8	151	39.4	542.5	2.4
II	56	21.2	208.1	2.5	26	40.9	31.5	2.3	82	23.8	239.6	2.5
III	37	33.9	71.1	2.7	20	52.0	59.9	1.9	57	42.2	130.9	2.3

Agmts. - Number of Agreements
Avg. Adj. - Average Annual Adjustment
Dur. - Average Agreement Duration
Empls. - Number of Employees

Table E

Selected Economic Indicators, by Year and Quarter

	1997	1998	1999	1999	2000		
				4	1	2	3
Wage Settlements (%)	1.5	1.7	2.2	2.9	2.4	2.5	2.3
Public Sector (%)	1.1	1.6	1.9	2.1	2.3	2.5	2.7
Private Sector (%)	1.8	1.8	2.6	3.6	2.8	2.3	1.9
Agreements in Force (%)	1.2	1.7	1.9	1.7	1.9	2.1	2.1
Public Sector (%)	0.9	1.4	1.7	1.6	1.8	1.9	2.0
Private Sector (%)	1.8	2.3	2.2	2.0	2.2	2.4	2.5
Consumer Price Index							
Per Cent Change[1]	1.6	0.9	1.7	2.4	2.7	2.4	2.7
GDP[2] at Factor Cost[3]							
Per Cent Change[1]	4.1	3.1	4.3	4.7	5.2	5.0	3.7
Labour Productivity Growth (%)	1.5	0.7	1.5	1.5	1.9	1.5	1.6
Unit Labour Cost (%)	1.0	1.4	0.5	0.8	1.7	2.3	2.2
Unemployment Rate[3] (%)	9.1	8.3	7.6	7.0	6.8	6.7	6.9
Employment (000's)[3]	13,774	14,140	14,531	14,690	14,826	14,886	14,910
Per Cent Change[1]	1.9	2.7	2.8	2.7	3.1	2.8	2.3
Average Weekly Earnings[3]	$ 598.26	$ 606.31	$ 610.68	$ 615.15	$ 621.57	$ 624.74	$ 628.76
Per Cent Change[1]	2.1	1.3	0.7	1.2	2.6	2.6	2.7
Average Hourly Earnings	$ 14.87	$ 15.12	$ 15.34	$ 15.46	$ 15.79	$ 15.73	$ 15.70
Per Cent Change[1]	1.1	1.7	1.4	1.8	2.6	2.9	3.3

[1] Per cent change from the same period of the previous year

[2] GDP – Gross domestic product at factor cost (1992) prices

[3] Seasonally adjusted data

Source: Workplace Information Directorate and Statistics Canada

TECHNICAL NOTES

The information in this report is produced from collective agreement settlements in Canada which cover 500 or more employees in all industries. A few settlements are excluded where the basis of payment is on a piece/mileage rate basis.

The construction industry is excluded prior to 1983.

The Base Rate

The base rate is the lowest paid classification used for qualified workers in the bargaining unit. In most instances, the base rate is the rate of pay for an unskilled or semi-skilled classification of workers. However, this is not the case in contracts covering only skilled workers and professional employees.

As only the base rate in a contract is used, the resulting data on percentage change do not necessarily reflect the average wage change for all workers in the bargaining unit. For example, where an across-the-board increase is negotiated for all classifications in cents per hour (or other money terms), measurement on the base rate produces higher results than measurement on any higher rate, including the average rate. Where varying percentage or money increases are negotiated for different classifications, measurement on the base rate may produce results that are higher or lower than measurement on the average rate. Where an across-the-board increase is negotiated for all classifications in percentage terms, measurement on the base rate produces results identical to measurement on any other rate, including the average rate. It should be noted that information on the average rate for all employees in a bargaining unit is not available.

Effective Wage Increase

The effective wage increase is the increase in rates of pay including estimated cost-of-living allowance (COLA) payments. Estimates of the yield of COLA clauses are obtained by quantifying the characteristics of these clauses in each agreement and applying a combination of actual Consumer Price Index (CPI) increases available to date plus a specified projected inflation rate for the remainder of the contract duration. In succeeding quarters, these estimates are revised using actual CPI values as they become available.

In the current report, an inflation projection of 2.0 per cent has been used when the actual rate is unknown. This figure is based on a rounded average of inflation forecasts and is intended for illustrative purposes only and does not constitute an official forecast by Human Resources Development Canada. The use of different inflation rate scenarios could result in varying settlement increases. The inflation projection used will be revised periodically to reflect prevailing economic conditions.

By including reasonable estimates of future payments under COLA clauses, the effective wage increase concept facilitates an accurate comparison of agreements with and without COLA and permits the aggregation of all agreements to yield an improved measure of wage settlements.

Public and Private Sectors

The principal unit of observation is the collective bargaining unit; however, the designation for inclusion in the public sector is by reference to characteristics of the employer with whom a bargaining unit negotiates. Reference to the employer characteristics makes the directives consistent with Statistics Canada's use of "institutional units" or "entities".

While the criteria relate to the classification of the public sector only, *the private sector is defined by exclusion*.

Public sector bargaining units negotiate wages or other working conditions with an employer who is part of, or an agent of, a government or a government business enterprise. The distinction between the two is whether the activity engaged in is "non-commercial" (Government) or "commercial" (Government Business Enterprise).

Government (Non-Commercial)

The government component comprises all non-commercial entities controlled by governments and mainly financed out of general taxation or other public

funds. These entities provide goods and/or services free or at non-market prices (not having a view to profit).

Sub-sectors of the government component are identified below:

(1) Federal Government

Collective bargaining in the Federal Government component is conducted under the *Public Service Staff Relations Act* (Parts 1 and 2), and the *Parliamentary Employment and Staff Relations Act*.

(2) Provincial and Territorial Governments

(a) provincial and territorial government administration;

(b) health, education and social services agencies or institutions:
- (i) public hospitals,
- (ii) provincial residential care facilities,
- (iii) universities,
- (iv) colleges, vocational and trade institutions,
- (v) social services business enterprise,
- (vi) provincial elementary and secondary schools.

(3) Local Government Administration

(a) local government organizations such as: municipalities, boards, commissions;

(b) school boards;

(c) social services: establishments at the local level primarily engaged in providing basic domiciliary care only, such as homes for the aged, blind or senile, boarding houses for the aged, day nurseries, shelters, etc.

Government Business Enterprise (Commercial)

The commercial component of the public sector is divided into three broad sub-groupings, based on degree of governmental control, as follows:

(1) Direct Control

A commercial enterprise is directly controlled by a government if one of the following conditions is met:

(a) a government holds more than 50 per cent of its voting equity, directly;

(b) a government has irrevocable options or the right to acquire shares, or convertible debt or equity, exercisable at the discretion of that government.

(2) Effective Control

A commercial enterprise is effectively controlled by a government if one of the following conditions is met:

(a) the government holds a significant voting ownership in a public enterprise, where "significant" is understood as:
- (i) the holding is the largest block of voting equity; and
- (ii) the holding exceeds 33.3 per cent of the voting equity; and
- (iii) the block is larger than the combined percentage of the next two largest blocks;

(b) the commercial enterprise declares that it is effectively controlled by a government;

(c) there exists a method or variety of methods (e.g. significant voting ownership of the enterprise, technological agreements, supply controls or contracts, management contracts, interlocking directorships, etc.)

(3) Indirect Control

A business enterprise is indirectly controlled by a government if that government directly or effectively controls a government business enterprise, which in turn directly or effectively controls that enterprise.

SECTION 2

EXPIRIES AND REOPENERS OF MAJOR COLLECTIVE AGREEMENTS IN JANUARY, FEBRUARY AND MARCH 2001

Note: Reopeners listed may be negotiated for wage provisions[1] and/or other provisions[2]

The full 2001 Calendar of Major Collective Agreement Expiries and Reopeners will soon be available on the Workplace Information Directorate Web site at: http://labour-travail.hrdc-drhc.gc.ca/doc/wid-dimt/eng/expreo.cfm

Company and Location	Union and Occupation	Number of Employees	Industry
	JANUARY 2001		
QUEBEC			
1 Alcan Smelters and Chemicals Ltd., Shawinigan	Fédération de la métallurgie (CNTU) (hourly-rated employees)	500	Manufacturing
1 Alcan Smelters and Chemicals Ltd., Jonquière, Saguenay, région du Lac St-Jean, Beauharnois, Port-Alfred, Shipshaw and Alma	Fédération des syndicats du secteur aluminium inc. (Ind.) and United Steelworkers of America (AFL-CIO/CLC) (hourly-rated, office and clerical employees, security guards, general tradesmen and longshoremen)	3,935	Manufacturing
Fruit of the Loom Canada inc., Trois-Rivières	Communications, Energy and Paperworkers Union of Canada (CLC) (production employees)	580	Manufacturing
JM Asbestos inc., Asbestos	Fédération démocratique de la métallurgie, des mines et des produits chimiques (CSD) (mine, plant and maintenance employees)	540	Primary
1 University of Sherbrooke, Sherbrooke	Syndicat des chargées et chargés de cours de l'Université de Sherbrooke (CSQ) (instructors/tutors/lecturers)	1,600	Services
ONTARIO			
Bayer Inc., Sarnia	Communications, Energy and Paperworkers Union of Canada (CLC) (plant and maintenance employees)	900	Manufacturing

Services - Community, Business and Personal Services

Company and Location	Union and Occupation	Number of Employees	Industry
ONTARIO (continued)			
Carlton Cards Limited, Etobicoke and Brampton	Communications, Energy and Paperworkers Union of Canada (CLC) (production employees)	650	Manufacturing
Ford Electronics Manufacturing Corporation, Markham	Intl. Assn. of Machinists and Aerospace Workers (AFL-CIO/CLC) (production employees)	1,500	Manufacturing
Toronto Hydro, Toronto	Cdn. Union of Public Employees (CLC) (hourly-rated and salaried employees)	1,600	Utilities
Valumart and Independent Grocers, province-wide	United Steelworkers of America (AFL-CIO/CLC) (retail employees)	1,010	Trade
SASKATCHEWAN			
International Minerals and Chemical (Canada) Global Limited, Esterhazy	Communications, Energy and Paperworkers Union of Canada (CLC) (mine, office, clerical and mill employees)	700	Primary
SaskEnergy Inc., province-wide	Communications, Energy and Paperworkers Union of Canada (CLC) (office, clerical and field employees)	760	Utilities
SaskPower, province-wide	Communications, Energy and Paperworkers Union of Canada (CLC) (administrative services employees)	640	Utilities
BRITISH COLUMBIA			
Pacific Blue Cross, British Columbia Life and Casualty Company, Vancouver	Cdn. Union of Public Employees (CLC) (technical employees)	530	Insurance
MULTIPROVINCE			
Canadian Film and Television Production Association (Performers), system-wide	ACTRA Performers Guild (CLC) (performers)	6,500	Services

Services - Community, Business and Personal Services

Company and Location	Union and Occupation	Number of Employees	Industry
	FEBRUARY 2001		
QUEBEC			
City of Montréal, Montréal	Cdn. Union of Public Employees (CLC) (inside employees)	4,880	Public Administration
Compagnie minière Québec Cartier, Lac-Jeannine, Mont-Wright, Port-Cartier and Fire Lake	United Steelworkers of America (AFL-CIO/CLC) (hourly-rated, office, clerical, plant and maintenance employees and security guards)	2,130	Primary
Restaurants Marie Antoinette inc., Quebec	United Steelworkers of America (AFL-CIO/CLC) (hotel or restaurant employees)	600	Services
ONTARIO			
Canadian Imperial Bank of Commerce (Visa Centre), Toronto	United Steelworkers of America (AFL-CIO/CLC) (office, clerical and technical employees)	540	Finance
Communications Security Establishment.DND, Ottawa	Public Service Alliance of Canada (CLC) (administrative services employees and foreign service officers)	550	Public Administration
General Electric Canada Inc., Pickering, Peterborough, Burlington and Pellet	Natl. Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada) (plant and maintenance employees)	1,000	Manufacturing
MANITOBA			
MTS Communications Inc., province-wide	Telecommunications Employees Assn. of Manitoba (Ind.) (managers)	630	Communications
ALBERTA			
Alberta Roadbuilders and Heavy Construction Association, province-wide	Intl. Union of Operating Engineers (AFL-CIO/CLC) (operating engineers)	550	Construction
Celanese Canada Inc., Clover Bar	Communications, Energy and Paperworkers Union of Canada (CLC) (plant and maintenance employees)	510	Manufacturing

Services - Community, Business and Personal Services

Company and Location	Union and Occupation	Number of Employees	Industry
	MARCH 2001		
NEWFOUNDLAND			
Government of Newfoundland and Labrador, province-wide	Cdn. Union of Public Employees (CLC) (support employees)	2,000	Services
Government of Newfoundland and Labrador, province-wide	Newfoundland Assn. of Public Employees (CLC) (general services employees, service and maintenance employees)	5,090	Services
Government of Newfoundland and Labrador, province-wide	Newfoundland Assn. of Public Employees (CLC) (teaching assistants)	780	Services
Government of Newfoundland and Labrador (Hospital Support), province-wide	Newfoundland Assn. of Public Employees (CLC) (support employees and laboratory technicians)	7,300	Services
PRINCE EDWARD ISLAND			
Government of Prince Edward Island, province-wide	Prince Edward Island Union of Public Sector Employees (CLC) (inside and outside employees)	1,700	Public Administration
Health and Community Services Agency and Regional Health Authorities, province-wide	Cdn. Union of Public Employees (CLC) (non-medical employees)	800	Services
NOVA SCOTIA			
Cape Breton-Victoria Regional School Board, Cape Breton Island	Cdn. Union of Public Employees (CLC) (support employees)	900	Services
Central Regional Health Board, province-wide	Natl. Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada) (health service-non-professionals)	1,500	Services
Nova Scotia Association of Health Organizations, province-wide	Cdn. Union of Public Employees (CLC) (health and social care professionals)	3,000	Services

Services - Community, Business and Personal Services

Company and Location	Union and Occupation	Number of Employees	Industry
NOVA SCOTIA (continued)			
Nova Scotia Power Incorporated, province-wide	Intl. Brotherhood of Electrical Workers (AFL-CIO/CLC) (utility workers, service and maintenance employees)	1,000	Utilities
NEW BRUNSWICK			
Government of New Brunswick, province-wide	Cdn. Union of Public Employees (CLC) (general tradesmen and general services employees)	2,510	Services
QUEBEC			
Camco inc., Montréal	Communications, Energy and Paperworkers Union of Canada (CLC) (production employees)	610	Manufacturing
City of Montréal, Montréal	Syndicat des professionnelles et professionnels municipaux de Montréal (Ind.) (administrative services employees)	550	Public Administration
ONTARIO			
Atlas Speciality Steels, a Division of Atlas Steels Inc., Welland	Natl. Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada) (plant and maintenance employees)	740	Manufacturing
Canadian Blood Services Centres, London, Ottawa, Toronto and Hamilton	Ontario Public Service Employees Union (CLC) (health service-non-professionals)	600	Services
City of Hamilton, Hamilton	Cdn. Union of Public Employees (CLC) (inside employees)	1,170	Public Administration
City of Hamilton, Hamilton	Cdn. Union of Public Employees (CLC) (outside employees)	600	Public Administration
Consumers Glass, Brampton	United Steelworkers of America (AFL-CIO/CLC) (plant and maintenance employees)	550	Manufacturing
Government of Ontario, province-wide	Assn. of Management, Administrative and Professional Crown Employees of Ontario (Ind.) (advisors and systems professionals)	4,100	Public Administration

Services - Community, Business and Personal Services

Company and Location	Union and Occupation	Number of Employees	Industry
ONTARIO (continued)			
Government of Ontario, province-wide	Ontario Public Service Employees Union (CLC) (ambulance technicians)	1,100	Utilities
Hamilton Street Railway Company, Municipality of Hamilton-Wentworth and Hamilton	Amalgamated Transit Union (AFL-CIO/CLC) (operating and salaried employees)	580	Transportation
Lambton Hospital Group, Sarnia	Service Employees Intl. Union (AFL-CIO/CLC) (health service-non-professionals)	600	Services
Meritor Suspension Systems Company, Chatham and Milton	Natl. Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada) (hourly-rated employees)	510	Manufacturing
Ontario Hospital Association, province-wide	Ontario Nurses' Assn. (Ind.) (nurses, part-time employees and para-medical technical employees)	38,420	Services
Ontario Hydro Services Company Inc., province-wide	Cdn. Union of Public Employees (CLC) (general tradesmen)	4,000	Utilities
Regional Municipality of Durham, Whitby	Cdn. Union of Public Employees (CLC) (service and maintenance employees)	750	Services
Regional Municipality of Durham, Whitby	Cdn. Union of Public Employees (CLC) (inside employees)	760	Public Administration
Regional Municipality of York, Newmarket	Cdn. Union of Public Employees (CLC) (inside employees)	750	Public Administration
Visiting Homemakers Association, Toronto	Service Employees Intl. Union (AFL-CIO/CLC) (non-medical employees)	600	Services
Windsor Casino Limited, Windsor	Natl. Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada) (casino, office and clerical employees and security guards)	3,100	Services

Services - Community, Business and Personal Services

Company and Location	Union and Occupation	Number of Employees	Industry
MANITOBA			
University of Manitoba, Winnipeg	University of Manitoba Faculty Assn. (Ind.) (professors and librarians)	1,040	Services
SASKATCHEWAN			
Extendicare (Canada) Inc., Regina, Moose Jaw and Saskatoon	Service Employees Intl. Union (AFL-CIO/CLC) (health service-non-professionals)	580	Services
Saskatchewan Association of Health Organizations, province-wide	Cdn. Union of Public Employees (CLC) (non-medical employees)	12,000	Services
Saskatchewan Association of Health Organizations, province-wide	Health Sciences Assn. of Saskatchewan (Ind.) (health and social care professionals)	2,040	Services
Saskatchewan Association of Health Organizations, province-wide	Service Employees Intl. Union (AFL-CIO/CLC) (service and maintenance employees)	9,800	Services
Saskatchewan Telecommunications, province-wide	Communications, Energy and Paperworkers Union of Canada (CLC) (telephone operators, office, clerical and technical employees)	3,900	Communications
ALBERTA			
Alberta Treasury Branches (Division Treasury Department-Government of Alberta), province-wide	Alberta Union of Provincial Employees (CLC) (administrative services employees)	1,950	Public Administration
Calgary Regional Health Authority, Calgary	Alberta Union of Provincial Employees (CLC) (non-medical employees)	800	Services
Calgary Regional Health Authority, Calgary	Cdn. Union of Public Employees (CLC) (health service-non-professionals)	590	Services
Calgary Regional Health Authority, Calgary	Cdn. Union of Public Employees (CLC) (non-medical employees)	900	Services

Services - Community, Business and Personal Services

Company and Location	Union and Occupation	Number of Employees	Industry
ALBERTA (continued)			
Calgary Regional Health Authority, Calgary	Cdn. Union of Public Employees (CLC) (non-medical employees)	700	Services
Calgary Regional Health Authority, Calgary	Community Health Nurses Assn. (Ind.) (nurses)	660	Services
Calgary Regional Health Authority (Foothills Hospital), Calgary	Alberta Union of Provincial Employees (CLC) (non-medical employees)	2,200	Services
Canada Safeway Limited, Northern	United Food and Commercial Workers Intl. Union (AFL-CIO/CLC) (retail employees)	650	Trade
Canada Safeway Limited, Southern	United Food and Commercial Workers Intl. Union (AFL-CIO/CLC) (retail employees)	650	Trade
Canada Safeway Limited, province-wide	United Food and Commercial Workers Intl. Union (AFL-CIO/CLC) (retail employees)	9,200	Trade
Capital Care Group, Edmonton	Cdn. Union of Public Employees (CLC) (health service-non-professionals)	980	Services
Continuing Care Employers Association, province-wide	United Nurses of Alberta (Ind.) (nurses)	500	Services
Provincial Health Authorities of Alberta, province-wide (excl. Calgary)	Cdn. Union of Public Employees (CLC) (office, clerical, technical, service and maintenance employees)	1,150	Services
Provincial Health Authorities of Alberta, province-wide	United Nurses of Alberta (Ind.) (nurses)	17,850	Services
BRITISH COLUMBIA			
British Columbia Gas Utility Ltd., province-wide	Intl. Brotherhood of Electrical Workers (AFL-CIO/CLC) (utility workers)	650	Utilities
Capilano College, North Vancouver	Capilano College Faculty Assn. (Ind.) (instructors/tutors/lecturers)	560	Services

Services - Community, Business and Personal Services

Company and Location	Union and Occupation	Number of Employees	Industry
BRITISH COLUMBIA (continued)			
Government of British Columbia, province-wide	British Columbia Government and Service Employees' Union (CLC) (all categories)	30,000	Public Administration
Government of British Columbia, province-wide	Professional Employees Assn. (Ind.) (scientific and other professionals)	1,750	Public Administration
Health Employers Association of British Columbia, province-wide	British Columbia Nurses' Union (CLC), Health Sciences Assn. of British Columbia (CLC) and Union of Psychiatric Nurses (CLC) (nurses)	26,000	Services
Health Employers Association of British Columbia, province-wide	Cdn. Union of Public Employees (CLC), British Columbia Government and Service Employees' Union (CLC) and various construction unions (non-medical employees)	42,000	Services
Health Employers Association of British Columbia, province-wide	Cdn. Union of Public Employees (CLC), United Food and Commercial Workers Intl. Union (AFL-CIO/CLC) and British Columbia Government and Service Employees' Union (CLC) (non-medical employees)	7,580	Services
Health Employers Association of British Columbia, province-wide	Health Sciences Assn. of British Columbia (CLC) and British Columbia Government and Service Employees' Union (CLC) (para-medical professional employees)	10,100	Services
Kwantlen University College, Surrey	Kwantlen University College Faculty Assn. (Ind.) (instructors/tutors/ lecturers)	520	Services
Post-Secondary Employers' Association, province-wide	British Columbia Government and Service Employees' Union (CLC) and various faculty associations (post-secondary, non-university teachers)	8,000	Services
TransLink, Vancouver and Victoria	Independent Canadian Transit Union (CCU) (bus drivers and mechanics)	3,100	Transportation

Services - Community, Business and Personal Services

Company and Location	Union and Occupation	Number of Employees	Industry
BRITISH COLUMBIA (continued)			
Vancouver Community College, Vancouver	Vancouver Community College Faculty Assn. (Ind.) (instructors/ tutors/lecturers)	650	Services
MULTIPROVINCE			
Canada Post Corporation, Canada-wide	Assn. of Postal Officials of Canada (Ind.) (postal supervisors)	3,000	Communications
NAV CANADA, Canada-wide	Canadian Air Traffic Control Assn. (Ind.) (air traffic controllers)	2,200	Transportation

Services - Community, Business and Personal Services

The full 2001 Calendar of Major Collective Agreement Expiries and Reopeners will soon be available on the Workplace Information Directorate Web site at:

http://labour-travail.hrdc-drhc.gc.ca/doc/wid-dimt/eng/expreo.cfm

WORKPLACE INFORMATION DIRECTORATE

Labour Program
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*SELECTED PROVISIONS IN MAJOR COLLECTIVE AGREEMENTS**

Day-Care Provisions in Major Collective Agreements in Canada in June 1988 and January 1998

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Introduction

This article is the third in a series of four articles dealing with provisions which help workers balance their work and family responsibilities and outlines the incidence of day-care provisions in major collective agreements in Canada, in force in June 1988 and January 1998.

According to the Canadian National Child Care Study,[1] "employers and public policy makers are showing increased interest in strategies that may alleviate the strains associated with balancing work and family life. "Family-friendly" benefits and practices, such as flextime, family-related leave, and workplace child care facilities, may help employees balance their paid work and family responsibilities more effectively."

Firstly, we provide an overall statistical description of how day-care provisions contained in collective agreements have evolved during the periods examined, and then present a statistical analysis broken down by the major industry sectors. We then conclude with some examples of innovative practices contained in selected recently ratified agreements in Canada.

All Sectors

There were 1,108 major collective agreements in Canada in 1988, covering 2,444,938 workers, as compared to 984 collective agreements covering 2,216,316 workers in 1998. In general, between 1988 and 1998, there was very little change in the number of workers covered by day-care provisions. In fact, in 1988, only 2.8 per cent of the workers covered by major collective agreements were entitled to a day-care provision, compared with 5.8 per cent in January 1998. In addition, 97.2 per cent of workers in 1988 and 94.2 per cent of the workers in 1998 were not covered by this type of provision.

Major Industry Sectors

It is noteworthy that, both in 1988 and 1998, the following major industries did not have any provisions for day-care in their collective agreements: primary, construction, and finance, insurance and real estate.

Manufacturing

From 1988 to 1998, the number of collective agreements in this sector dropped slightly from 273 collective agreements covering 367,529 workers in 1988 to 208 collective agreements covering 251,129 workers in 1998.

However, during this period, there was a considerable increase in the proportion of workers covered by provisions of day-care benefits. Whereas only 7.2 per cent of the workers were entitled to such provisions in 1988, this proportion increased to 20.6 per cent in 1998. Finally, a large proportion of employees (92.8 per cent) in 1988 were not covered by this type of provision compared to 79.4 per cent in 1998.

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* Major collective agreements are those covering 500 or more workers.

[1] Canadian National Child Care Study: Workplace Benefits and Flexibility: A Perspective on Parent's Experiences. Statistics Canada, 1993, Cat. No. 89-530E.

Transportation, Communications and Other Utilities

From 1988 to 1998, there was a slight drop in the number of collective agreements in this sector, from 145 in 1988 covering 361,207 workers to 126 in 1998 covering 320,058 workers.

However, during this period there was a definite improvement in the number of collective agreements providing day-care provisions. In fact, in 1988, none of the major collective agreements in this sector included a provision for day-care compared to three agreements in 1998 which did, covering 17.5 per cent of the workers. Nonetheless, 82.5 per cent of the workers were not covered by this type of benefit in 1998.

Community, Business and Personal Services

While the number of workers covered by collective agreements in this sector increased from 1988 to 1998, there was virtually an identical number of collective agreements in each of these years, 351 covering 824,128 workers in 1988 and 352 covering 904,624 workers in 1998.

Similarly, the percentage of workers in this sector receiving day-care benefits was virtually the same in these two years, also 1.3 per cent in 1988 and 1.5 per cent in 1998. Therefore, a large proportion of workers in this sector were not covered from a day-care provision: 98.7 per cent in 1988 and 98.5 per cent in 1998.

Public Administration

The statistics show a slight decrease in the number of collective agreements in the public administration sector between 1988 and 1998, and a considerable drop in the number of workers covered. In 1988, there were 153 collective agreements in this sector covering 488,980 workers compared to 129 collective agreements covering 368,436 workers in 1998.

The proportion of workers in this sector covered by a day-care provision also dropped slightly during this period, going from 6.4 per cent in 1988 to 2.0 per cent in 1998. A very high proportion of public administration workers were not covered by a day-care provision: 93.6 per cent in 1988 and 98 per cent in 1998.

Examples of Innovative Practices

The agreements between Ford Motor Company of Canada Ltd., General Motors of Canada Ltd., Daimler Chrysler and the National Automobile, Aerospace, Transportation and General Workers Union of Canada include the introduction of a childcare fund to which an amount of $150,000 will be contributed to help existing childcare centres broaden their services to better meet the needs of their employees such as extended-hour care. Also, employees are entitled to a childcare supplement of up to $10 per day per child, up to $2,000 per year per child five years old and younger, whether in full-time, part-time, group, or in-home care.

Under the collective agreement between Canada Post Corporation and the Canadian Union of Postal Workers, the employer contributes $225,000 to a child day-care fund as of April 1, 2000, $235,000 as of April 1, 2001, and $250,000 as of April 1, 2002.

In the agreement between the Government of the Northwest Territories and the Union of Northern Workers, the employer commits $50,000 towards a joint study on the lack of child care facilities and the resultant creation of employment barriers.

The employees of the Windsor Casino represented by the National, Automobile, Aerospace,Transportation and General Workers Union of Canada have access to a day-care centre in the workplace as of April 1, 1999. The employer further agrees to facilitate the operating costs of the child care facility through the contribution of 2¢ per straight-time hour worked by bargaining unit employees.

Conclusion

Generally, we have concluded that there has been very little change in day-care provisions found in major collective agreements in Canada. There has however been significant improvement in both the manufacturing and the transportation, communication and other utilities sectors. It will be interesting to analyze future agreements to determine the extent to which they accommodate this whole phenomenon of work and family balance. In order to remain competitive, organizations will have to adapt to this reality by introducing new innovative approaches that will enable their employees to achieve balance between their work and family responsibilities.

WORK STOPPAGES – 2000 AND CHRONOLOGICAL PERSPECTIVE

Work Stoppages, Labour Organizations and Collective Agreement Analysis Section
Workplace Information Directorate
Labour Program, Human Resources Development Canada

Major Work Stoppages (500 or more workers)

Summary

Two strikes in British Columbia accounted for 93 per cent of the person-days not worked in the third quarter of 2000 due to major work stoppages in Canada. Approximately 11,500 Industrial Wood and Allied Workers in the forestry services industry accounted for 46,500 person-days not worked while 2,000 Hotel and Restaurant Employees Union with the Greater Vancouver Hotel Employers' Association estimated another 32,500 person-days

Table A

Work Stoppages by Jurisdiction
Third Quarter 2000

	Cumulative to September 30, 2000		
Jurisdiction	Stoppage	Workers Involved	Person-Days Not Worked
Newfoundland	-	-	-
Prince Edward Island	-	-	-
Nova Scotia	-	-	-
New Brunswick	-	-	-
Quebec	-	-	-
Ontario	-	-	-
Manitoba	-	-	-
Saskatchewan	-	-	-
Alberta	1	500	3,000
British Columbia	3	14,430	79,810
Multiprovince	-	-	-
Total Provinces	**4**	**14,930**	**82,810**
Canada Labour Code-Part I	1	1,400	2,650
Federal Administration	-	-	-
Federal Total	1	1,400	2,650
Total	**5**	**16,330**	**85,460**

Source: Workplace Information Directorate

Table B

Work Stoppages by Industry
Third Quarter 2000

	Cumulative to September 30, 2000		
Industries	Stoppage	Workers Involved	Person-Days Not Worked
Primary Industries	1	11,630	46,510
Manufacturing	1	500	13,000
Construction	-	-	-
Transportation, Communication and Other Utilities	1	1,400	2,650
Trade and Finance	-	-	-
Community, Business and Personal Services	1	2,000	32,500
Public Administration	1	800	800
Various Industries	-	-	-
Total	**5**	**16,330**	**85,460**

Source: Workplace Information Directorate

Work Stoppages (one or more workers)

Table C

Work Stoppages by Jurisdiction
Second Quarter 2000

Jurisdiction	Cumulative to June 30, 2000 Stoppage	Workers Involved	Person-Days Not Worked
Newfoundland	9	2,069	15,350
Prince Edward Island	-	-	-
Nova Scotia	4	224	9,135
New Brunswick	2	460	9,020
Quebec	85	6,865	167,855
Ontario	79	31,270	285,120
Manitoba	4	206	16,702
Saskatchewan	2	208	6,920
Alberta	6	7,616	47,518
British Columbia	29	39,267	152,526
Multiprovince	1	84	2,440
Total Provinces	**221**	**88,269**	**712,586**
Canada Labour Code-Part I	7	4,346	70,750
Federal Administration	-	-	-
Federal Total	**7**	**4,346**	70,750
Total	**228**	**92,615**	**783,336**

Source: Workplace Information Directorate

Table D

Work Stoppages by Industry
Second Quarter 2000

Industries	Cumulative to June 30, 2000 Stoppage	Workers Involved	Person-Days Not Worked
Primary Industries	10	14,805	85,785
Manufacturing	88	12,769	232,726
Construction	3	265	5,390
Transportation, Communication and Other Utilities	18	3,897	53,672
Trade and Finance	31	1,494	48,100
Community, Business and Personal Services	63	42,206	247,063
Public Administration	15	17,179	110,600
Various Industries	-	-	-
Total	**228**	**92,615**	**783,336**

Source: Workplace Information Directorate

A weekly listing of major work stoppages in Canada and a full chronological perspective are available on the Workplace Information Directorate Web site at:

http://labour-travail.hrdc-drhc.gc.ca/doc/wid-dimt/eng/

Table E

Work Stoppages – A Chronological Perspective

Period	Number beginning year or month	in existence during year or month*			
		Total Number	Workers involved	Person-days not worked	% of Estimated working time
1990	519	579	270,471	5,079,190	0.17
1991	399	463	253,334	2,516,090	0.09
1992	353	404	149,940	2,110,180	0.07
1993	323	381	101,784	1,516,640	0.05
1994	312	374	80,856	1,606,580	0.06
1995	282	328	149,159	1,583,061	0.05
1996	297	330	281,816	3,351,820	0.11
1997	229	284	257,664	3,610,206	0.12
1998	341	381	244,402	2,443,876	0.08
1999	358	413	158,612	2,445,741	0.08
1999					
June	41	108	17,862	193,260	0.07
July	27	99	21,024	301,245	0.11
August	27	94	11,884	176,835	0.07
September	31	102	16,464	169,765	0.06
October	27	95	10,601	122,340	0.05
November	32	92	15,506	153,900	0.06
December	30	94	16,774	114,994	0.04
2000					
January	27	85	23,140	145,744	0.06
February	26	84	11,821	72,070	0.03
March	30	88	35,523	162,833	0.06
April	35	92	24,452	153,301	0.06
May	28	91	13,770	109,723	0.04
June	24	94	22,836	139,665	0.05

* Refers to work stoppages which began during the year or month as well as those carried over from the previous year or month.

Source: Workplace Information Directorate

TECHNICAL NOTES

Data on work stoppages collected by the Workplace Information Directorate of the Labour Program of Human Resources Development Canada covers strikes and lockouts which amount to ten or more person-days lost.

A strike is a concerted work stoppage by a group of employees which is done in order to bring about a change in an employer's position, and it occurs during the negotiating process. A legal strike is one that respects all the conditions mandated by law, most notably that the strike is taking place during negotiations. A strike will be declared illegal if it does not respect the applicable laws. A lockout occurs when work is suspended by the employer or a group of employers in order to pressure employees to change their position, and a lockout must also occur during the negotiating process.

Developments leading to work stoppages are sometimes too complex to make it practicable to distinguish between strikes on the one hand and lockouts on the other.

The major characteristics of work stoppages on which information is gathered are:

Employer – Firm or firms employing the workers reported on strike or locked out.

Location – Location of the plant or premises at which the work stoppage occurred.

Industry – Industry of employer according to the Standard Industrial Classification, Statistics Canada (Revised 1970).

Union – The workers' organization(s) directly involved or concerned in the dispute that led to work stoppage.

Workers Involved – The total number, or approximate total number, of workers reported on strike or locked out, whether or not they all belonged to the union directly involved in the dispute that led to work stoppage. Where the number of workers involved varied in the course of the stoppage, the maximum number is used in tabulating annual or other totals. (Where a stoppage commenced in a previous year, the maximum number during the whole stoppage is the number used). Monthly totals are similarly based on the highest figures but allowance is made for changes reported in stoppages extending over two or more months. The total number of workers shown may include the same workers more than once if they are involved in more than one work stoppage during the year (or other reference period). Workers indirectly affected, such as those laid off as a result of a work stoppage, are not included in the data on workers involved.

Starting Date – The day on which the work stoppage began.

Termination Date – For work stoppages that are terminated by mutual agreement, the termination date is the day on which work was resumed. Where normal operations could not be resumed shortly after the employees agreed to return, the day on which they were available for work is regarded as the termination date. Some work stoppages are never formally settled, and this presents statistical difficulties. In such a case, the stoppage is usually considered terminated for statistical purposes, at the date by which it was established that two-thirds or more of the workers involved had either returned to work, or had found work with other employers; or the date by which it was reported that the operations affected by the work stoppage would not be resumed.

Duration – The duration of each stoppage is calculated in terms of working days, including the starting date and all subsequent normal working days up to the termination date. The days counted as working days are those on which the establishment involved would normally be in operation (five days per week).

Duration in Person-Days – Duration in working days multiplied by the number of workers involved. For work stoppages involving establishments in which the number of weekly working days (see Duration above) exceeds the work week of individual employees, the duration in person-days is adjusted by the appropriate ratio. Variations in the number of workers involved in the course of a stoppage are also taken into account in the calculation as far as practicable. The data on duration of work stoppages in person-days are provided to facilitate comparisons of work stoppages in terms of a common denominator; they are not intended as a

measure of the loss of production time to the economy. The expression "Time loss" is occasionally used instead of "duration in person-days". The term most commonly used is person-days not worked due to the duration in person-days of all work stoppages in a year is also shown as a percentage of estimated working time based on estimates of the number of non-agricultural paid workers in Canada obtained from the Labour Force Survey of Statistics Canada.

Jurisdiction – Statistics on work stoppages are also classified according to jurisdiction. This is done on the basis of the government and those businesses covered by Part 1 of the *Canadian Labour Code* whose industrial relations statistics are applicable to the establishment involved in the dispute. (The tabulation of statistics on work stoppages by jurisdiction corresponds to a tabulation by province, except where the Federal jurisdiction is involved.)

The data reflect all work stoppages that have come to the notice of Workplace Information Directorate, and meet the criteria defined above, e.g., minimum person-days. The methods used to secure this information are believed to be adequate to preclude the possibility of major omissions.

SECTION 3

INNOVATIVE WORKPLACE PRACTICES

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This overview of innovative practices is based on a summary of 92 collective agreements that were ratified from April to July 2000. Of these agreements, 39 contain at least one feature that is either innovative or especially interesting. In particular, 33 of the agreements provide for the setting up of one or more joint committees to deal with a range of issues.

Agreement Duration

A little more than half (48 agreements) are for 36 or 48 months (29 and 19 respectively). In the case of the 44 other agreements, the periods covered range from **12 to 72 months**. The two longest contracts of 72 months, or 6 years, are between Kruger Paper in Trois Rivières, Québec, and the Communications, Energy and Paperworkers Union of Canada, and between the Loblaws supermarkets and SuperCentre stores in Ontario and the United Food and Commercial Workers International Union. The former agreement was made retroactive to May 1998 and will stay in force until April 2004, while the latter runs until July 2006. Of the 5 other agreements for 5 or more years, only one is in effect until 2005 – the contract between Transport Cabano-Kingsway Inc. and the International Brotherhood of Teamsters.

A First Collective Agreement

Following certification in April 1997, bargaining started between the University of Ottawa and Local 2626 of the Canadian Union of Public Employees. This local represents students employed by the university as teaching and research assistants, tutors, markers, lab instructors and so on. This first agreement, for a five-year period, was ratified in May 2000 and will run until August 31, 2002. The new agreement provides for full-time union leave, paid leave to attend conferences, public and personal holidays, sick leave, parental and maternity leave, and an optional benefits package. The agreement also provides for opportunities for cost-free participation in various training workshops as well as in one non-program course, and average annual pay increases of 2.95 per cent over the five years.

Joint Committees

There is an increasing trend in the agreements surveyed to set up joint labour-management committees.

For example, agreements signed between INCO and Locals 6200 and 6500 of the United Steelworkers of America, provide for the setting up an outsourcing steering committee **allocated to reducing the current level of outsourcing with its related costs**. In the wake of the amalgamation of cities in the Toronto area, the four new collective agreements between the City of Toronto and the Canadian Union of Public Employees, Local 79, contain several clauses related to establishing committees. These new committees include: a committee **to maintain municipal services** by assessing the feasibility of reassigning to unionized workers, the work that is currently contracted-out; an "ad hoc" harmonization committee, to be formed within 30 days of contract ratification responsible **for restructuring the existing job classification system** and implementing a mechanism to determine the salary levels for the modified classifications; and a labour-management committee to act as a forum **for exchanging ideas and making recommendations on various issues**.

During bargaining between the Thames Valley District School Board in London, Ontario, and the Canadian Union of Public Employees, Local 4222C, both sides agreed to set up a committee **to develop a fair, coherent code of practice to enable employees with disabilities**, regardless of the nature of the disability, to return to work quickly and safely. The committee is mainly responsible for identifying suitable jobs or ones that could be modified to accommodate the abilities of the workers concerned. Finally, several agreements now contain either a provision or a letter of agreement referring to setting up committees to deal

with issues such as **classification**, **training**, and the **assessment of benefit packages**. One of these, between the City of Winnipeg and the Canadian Union of Public Employees, Local 500, deals with implementing a committee **to look into introducing benefits for part-time employees**.

Labour Relations

The agreement between the Ontario Council of Teaching Hospitals and the Professional Association of Interns and Residents of Ontario, contains a **new clause dealing with the arbitration and grievance procedures**. From now on, most grievances (except for dismissals or when the parties decide otherwise) will be heard by a single arbitrator, who will, at the request of one of the parties, act as a mediator-arbitrator. In addition, a provincial committee will be formed to quickly settle grievances resulting from the new provision specifying the maximum number of nights and weekends residents would be "on call."

In other developments, John Deere Works in Welland, Ontario, and Local 275 of the Canadian Auto Workers Union **entered into early negotiations** and settled an agreement effective from October 2001 to September 2004. The newly negotiated agreement extends the company's commitment to continue operations and stay competitive and confirms the construction of an in-plant painting facility, rather than have this work contracted-out, as the company had originally intended. In Alberta, paramedics, who had been previously organized into four bargaining units, signed, for the first time, a joint agreement (Provincial Health Authorities of Alberta and the Health Sciences Association of Alberta). In British Columbia, also for the first time, support and technical services employees at 11 colleges in the province agreed to negotiate a **multi-institutional frame work agreement** dealing with matters such as pay, contracting-out, job security and flexibility (Post-Secondary Employers' Association and the Colleges and Institutes Support Staff Bargaining Association).

Compensation and Working Conditions

Finning International's Finning division in British Columbia and the Yukon and Local 692 of the International Association of Machinists and Aerospace Workers have agreed in a letter of understanding to establish a **job retention program that is designed to mitigate the effects of fluctuating demand**. The program allows employees to accumulate a total of up to 240 hours of overtime, regular hours, annual holidays or sick leave to compensate for slack work periods or possible layoffs. This "bank" of work time can be taken in 120-hour blocks and can only be used to avoid being laid off. During these "leave" periods, the employees concerned are able to receive their normal hourly pay rate plus a 5.0 per cent bonus for each hour of leave.

The latest INCO agreement introduces a **new pay scheme based on the company's revenues** which replaces the previous bonus system that was linked to the price of nickel. For each quarter in which the company's operating profit reaches $10 million US, the company's employees will receive a bonus of 25¢ per hour, plus a further 2.5¢ per hour for every million dollars of additional profit. This scheme should translate into higher pay for the workers, does not have an upper limit and is separate from other company's divisions.

Finally, both the agreement between the City of Calgary and the Canadian Union of Public Employees, Local 38 and between the Government of Manitoba and its employees' union, introduce a new provision dealing with **teleworking**. The agreement between the Waterloo Regional Police Commission and the Waterloo Regional Police Association introduces **three new personal leave provisions** concerning paternity, adoption and marriage.

SELECTION OF RECENT CHANGES IN CANADIAN LABOUR LAWS

Adopted Bills, Regulations and Other Statutory Instruments

Michel Gauvin and Denis Dupont
Strategic Policy and International Labour Affairs
Labour Program, Human Resources Development Canada

Manitoba: *The Labour Relations Amendment Act (2)*; Bill 44, Assented to August 18, 2000

This Act, which came into force on October 17, 2000, brought a number of changes to *The Labour Relations Act*. The most important of these amendments are as follows:

Interim Certification

The Manitoba Labour Board is now authorized to certify a union on an interim basis when it is satisfied that any dispute about the composition of a proposed bargaining unit cannot affect the union's right to certification.

Representation Votes

Under previous provisions, when the Board received an application for certification, it ordered a representation vote if the union demonstrated that it had the support of 40 per cent or more of the employees in the proposed unit. The new legislation requires a representation vote if the union demonstrates that at least 40 per cent but fewer than 65 per cent of the employees in the unit support the union. If 65 per cent or more are in support, the Board grants certification without a vote provided that the employees expressed their wishes freely and were not intimidated or coerced into supporting the union.

Last Offer Votes

A provision of the previous law allowed an employer to request a vote of the employees to determine whether they accepted or rejected the employer's last offer. That provision was repealed, and the Minister of Labour has the power to order such a vote at any time before or during a strike or lockout instead of only after a strike or lockout has commenced, where it is deemed to be in the public interest.

Union Dues Used for Political Purposes

Section 76.1 of the *Act* was repealed. That section required a union to consult with each employee in a unit it represents about whether they wish their union dues to be used for political purposes, and allowed an employee objecting to such use to direct that the amount of his/her union dues proposed to be used for political purposes be remitted to a registered charity.

Settlement of Second or Subsequent Collective Agreements

Where a collective agreement has expired, a strike or lockout has continued for at least 60 days, conciliation or mediation has been utilized for at least 30 days during the strike or lockout, and no settlement has been reached, the employer or the bargaining agent may apply to the Manitoba Labour Board to have the collective agreement settled by the Board or, if the parties agree, by a single arbitrator that the parties must name.

Prior to initiating this settlement process, the Board must inquire into the negotiations between the parties to determine whether they have been negotiating in good faith and whether or not they are likely to conclude a collective agreement if bargaining continued for an additional period of time. The Board may delay its decision to initiate the settlement process until it is satisfied that the party requesting this process has bargained sufficiently and seriously.

A collective agreement settled by an arbitrator or the Board under these provisions is effective for a period of one year following the expiry date of the previous agreement, or for any longer period the parties agree to.

The Minister of Labour must request the Manitoba Labour Management Review Committee to review the operation of the provisions dealing with this settlement process at least once every 24 months and provide a report to the Minister on their findings. Such a report is tabled in the Legislative Assembly as soon as possible after it has been received.

Reinstatement After a Strike or Lockout

A provision was amended to clarify that employees have the right to be reinstated following a strike or lockout, but that an employer may refuse to reinstate an employee if he/she demonstrates to the satisfaction of the Board that the conduct of the employee related to the strike or lockout resulted in a conviction under the *Criminal Code of Canada* and that the refusal to reinstate was for just cause even in the context of a strike or lockout.

Appointment of Mediators

The *Act* was amended to take into account situations where the parties jointly request the appointment of a mediator, but do not name a particular person to be appointed. In such cases, the Minister will appoint the mediator. Also, the Minister may appoint a mediator if only one party makes such a request.

Expedited Grievance Mediation/Arbitration

An amendment permits a bargaining agent to refer a grievance to the Board so that it be dealt with in accordance with the expedited grievance mediation/ arbitration procedure provided in the *Act*. Previously, a bargaining agent could use this procedure only for dismissals, suspensions exceeding 30 days and other matters that the Board considered to be of an exceptional nature.

Financial and Compensation Statements

The requirement for unions to file audited financial and compensation statements with the Manitoba Labour Board was repealed. In its place, the *Act* requires a union, at the request of a member, to give the member a copy of its annual financial statement.

British Columbia: Amendment to the *Employment Standards Regulation* under the *Employment Standards Act*; British Columbia Regulation 307/2000

By virtue of a regulatory amendment, the Government of British Columbia has increased the general minimum wage rate from $7.15 to $7.60 per hour as of November 1, 2000. The amendment provides for a second minimum wage rate increase from $7.60 to $8 per hour effective November 1, 2001.

Other minimum wage rates are affected. Thus, the minimum daily wage for a live-in home support worker was increased from $71.50 to $76.00 on November 1, 2000, followed by an increase to $80.00 on November 1, 2001; the minimum wage for a live-in camp leader was increased from $57.20 to $60.80 per day or part of day on November 1, 2000, followed by an increase to $64.00 on November 1, 2001.

Also, for a resident caretaker of an apartment building containing 9 to 60 suites, the minimum rate was increased from $429 to $456 a month (plus $18.30 instead of $17.20 for each suite) or $1,554.00 instead of $1,461.00 a month for 61 suites or more starting on November 1, 2000, and from November 1, 2001, the corresponding increased rates will be $480 a month (plus $19.25 for each suite) or $1635 a month for 61 suites or more. Finally, proportional two-step increases, to occur on November 1, 2000 and November 1, 2001, apply to farm workers employed on a piece-work basis who hand harvest certain fruit, vegetable, berry and flower crops.

Quebec: Announcement concerning amendments to the *Regulation respecting labour standards* under the *Act respecting labour standards*; Press release issued on October 12, 2000 by the Department of Labour

The Government of Quebec has announced an increase in the minimum wage. Effective February 1, 2001, the general minimum wage will increase from $6.90 to $7.00 per hour, and the hourly rate payable to employees who usually receive gratuities will increase from $6.15 to $6.25. Effective on the same date, the minimum wage payable to domestic workers who reside in their employer's home will increase from $271 to $280 per week.

For additional information on recently adopted or proposed changes to Canadian Labour Laws, please visit the Labour Program Web site at:

http://labour.hrdc-drhc.gc.ca/

and click on "Canadian Labour Law Information".

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